This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

LANE MEDICAL LIBRARY STANFORD
I11.C1 W8 1912
To establish an independent health servi
STOR
24503297936

Works, J.D.
To establish an independent health service.

III
C1W8
1912

TO ESTABLISH AN INDEPENDENT HEALTH SERVICE

When a question like this confronts us the people of this country had better look to their liberties.

"The Commonwealth of Massachusetts is not a medical body, has no right to a medical opinion, and should not dare take sides in medical controversies."—Prof. William James.

Jesus of Nazareth was persecuted and finally crucified for preaching the Gospel and practicing his religious belief by healing the sick. To do the same to-day in the twentieth century in the great State of New York, if he were here, would make him a criminal subject to fine and imprisonment by the laws of that State.

SPEECH

OF

HON. JOHN D. WORKS

OF CALIFORNIA

IN THE

SENATE OF THE UNITED STATES

MONDAY AND TUESDAY, APRIL 29 AND 30, 1912

LANE LIBRARY

WASHINGTON
1912

41917—10960

LANE LIBRARY

I11
C1W8
1912

SPEECH

OF

HON. JOHN D. WORKS,

Monday and Tuesday, April 29 and 30, 1912.

On the bill (S. 1) to establish an independent Health Service, and for other purposes—

Mr. WORKS said:

Mr. PRESIDENT: I had the honor, soon after I became a Member of this body, to discuss this bill from the standpoint of Christian Scientists, to whom, in its then form, it was most objectionable. Since then it has been amended in a number of material particulars, relieving it, in some respects, from the objections then urged against it. At this time I desire to consider it in a broader and more comprehensive way, as it affects not Christian Scientists alone but the whole people. This will necessarily lead me to comment not only upon the bill as it appears on its face, but upon the forces and motives behind it, and the ultimate objects and purposes of this movement, who want it, and what for.

I am sorry that I feel myself impelled by a sense of duty to say some unpleasant things, but I shall say them as pleasantly as I can, and without any intention of giving offense. I shall have to question and challenge some of the most cherished beliefs and convictions of Members of this body and of many other good people, convictions sincerely and honestly entertained by them. But I am happy to say that I entertain no sense of malice, hatred, or ill will toward any human being, alive or dead, or of unfriendly antagonism toward the views, honestly entertained, of any man. I shall not hesitate, however, to speak my own convictions freely and frankly and to point out and comment without reserve upon some of the evils that are attempted to be maintained and perpetuated by this bill and legislation which is expected to follow it.

I shall feel myself called upon to assail the motives and conduct of members of the medical profession, in their organized form, as the American Medical Association. But this is in no sense a personal matter, nor is it prompted by any sense of ill will. There are many high-minded, noble, self-sacrificing men and women in the profession who are conscientiously devoting their lives to the healing of disease and the amelioration of human suffering. In what I shall say on this subject, I am not speaking of such as these, but of the self-seeking, intolerant political doctors who are serving their own selfish interests and not the public good.

The avowed purpose of seeking new legislation was, in the beginning, to establish a department of Government with a

9282

doctor of medicine at its head, a member of the Presi
Cabinet, possessed of the almost autocratic, unlimited
unrestrained power belonging to such a department.
movement was instigated and maintained by the Am
Medical Association, one of the most powerful trusts,
management, in the country. While there were many s
and honest, but misguided, people inside and outside
association behind it, the motive power which was press
forward was this political branch of the association. Its o
and agents, with their powerful organization, were
using its members and others less selfish and unpopular
ceive the public and Congress and conceal the real motive
actuated the effort. This motive and the real object,
selfish on their part, were studiously and skillfully con
under the mask of humanitarianism. The League for M
Freedom, a voluntary organization composed of hundre
thousands of citizens of all classes in all walks of life, kn
the hypocrisy of the instigators of new legislation on thi
ject, made common cause against it and have exposed i
jects and pointed out the injurious effects of the passage
proposed bill. One of the chief causes of complaint wa
it would create a monopoly in one school of medicine,
one of their number, a Cabinet officer, at its head, to the
sion of every other school of medicine or other modes of he
This purpose was disclaimed by the author of the bill, th
ator from Oklahoma [Mr. OWEN], but the form of the bi
fact that then and now all surgeons and other medica
ployees of the Government were and are of that sch
medicine, to the exclusion of all others, and the declarati
parties interested in the bill as to their ultimate objec
purpose in urging the passage of it showed conclusively
the Senator from Oklahoma was entirely mistaken.

It became so apparent that such was the purpose, and
so obnoxious to every man who believes in medical as w
religious freedom, that friends of the bill voluntarily o
the following amendment to relieve it from this obj
which they soon found would defeat it:

And provided further, That the bureau of health established
act shall have no power to regulate the practice of medicine
practice of healing or to interfere with the right of a citizen to
the practitioner of his choice, and all appointments within the
including the head of the bureau, shall be made without discrimi
against any school of medicine or of healing.

They soon found, also, that the effort to secure a pla
the Cabinet and make the health bureau a department
Government was hopeless, and that was abandoned.

Thus shorn of the things they most desired, the bill ha
come unnecessary and useless. It adds no power to the se
bureaus in the different departments intended to protec
preserve the public health, and can not increase their acti
except that of collecting and disseminating information.
fore, if I did not know that this abandonment of the obje
able features of the bill was for the ulterior purpose of m
it a beginning and then following it up step by step until
have attained their original object, which they could not

41917—10969

by direct action, I should have but little reason to consume the time of the Senate in opposing its passage.

But, Mr. President, I know what I am talking about when I say to the Senate that they have never abandoned their original purpose of taking over into their own hands the medical activities of the Government and of confining their administration and the enforcement of their powers in the one school of medicine to the exclusion of all others. As I shall show the Senate a little later, some of these doctors and their publications, less discreet than some others, have made the most startling statements of their intention to establish and control a state medicine in its most extreme and objectionable form. Since the bill has been amended, as I have stated, I said to one of the most earnest supporters of the idea of a department of medicine, and a distinguished citizen and educator, "Why do you want this bill in its amended form? It does not increase the powers of the medical bureaus or accomplish anything you want." He said, "It is not satisfactory to us, but it will be a beginning and we will follow it up until we get what we want," or words to that effect.

This was a frank and perfectly honest declaration of their purpose and intention, and their reason, and the only plausible reason, for accepting a bill with everything that they really wanted taken out of it by amendment.

Therefore, Mr. President, I am going to consider this bill precisely as if it provided in terms for the things to which I so seriously object, because that is the ultimate purpose which should be met at the outset, and this bill is only one step toward its final accomplishment. But for the final object in view the bill would not be worth the attention of its alleged friends.

Mr. President, there are various healing agencies at work in this country to-day. Some are schools of medical healing which depend upon drugs as the means of cure. Others depend upon manipulation of the body; others depend upon the action of one mind upon another as a means of healing; and still another upon the operation of the Divine mind in the establishment of harmony, the regeneration of man and his restoration to health by that means. To the latter the use of drugs is regarded as a menace to life and health and opposed to their conscientious religious beliefs.

These different schools and other modes of healing may be divided into groups. It is impossible in the scope of such an address as this to consider or even mention them all. I will, therefore, confine myself to a few of the leading ones of each class. In the schools of healing by drugs may be named the allopaths, the homeopaths, and the eclectics. The healing by the action of one mind over another may be classed under the general designation of mesmerism, hypnotism, or suggestion—all meaning practically the same thing—and Christian Science, the one distinctive mode of healing by the operation of the Divine mind according to the teachings of Jesus of Nazareth.

No two of these schools of medicine, or other modes of healing, agree with each other. While some of them agree in the use of drugs as a means of healing, they are entirely at variance as to the kinds of medicines to be used, the quantity to be administered, and the principle upon which the system of drug

41917—10969

healing is based. The allopathic school of medicine is th
and best known. Its devotees are wholly dogmatic and
ant. They assume that there is no other efficacious n
healing but theirs, and that all other practitioners are
petents and a menace to the public health. They have
one of the most powerful organizations of any kind
country. They are ruthlessly using that power not to l
the practitioners of their own school only but to coe
people to accept their remedies and to suppress, by law
persecution, the practice of other means of healing
American Medical Association is working in every State
Union to secure laws which will prevent any but practi
of their school from practicing the art of healing. The
secured such laws in some of the States, as I shall show
along, and are tireless in their efforts to secure other
strictive laws in all other States. Having only partial
ceeded in their efforts in this direction in the States, the
for a long time been besieging Congress to help them to e
themselves with all the powers of the Government behin
where they will be supreme and may absolutely excl
other practitioners than theirs from the practice of
They are using all the money and influence they can b
bear and are practicing on the credulity of an ignorant
sentiment by the pretense that all of this is for the publi
Through their efforts the much-dreaded practice of vacc
which has, in my opinion, sacrificed more lives than it ha
and maimed and made invalids of thousands, has beer
compulsory by law; and now other serum remedies, all
be preventives of various diseases and equally dangerous
some, and objectionable, are being forced upon the
whether they want them or not.

The officers of the Army and Navy are the willing instr
of these medical men to compel American citizens to su
be poisoned with their loathsome preparations. If a sol
sailor refuses to submit to vaccination or other serum
ment for typhoid fever and other diseases, he is promp
missed the service, or placed in irons until he submits
otherwise punished. And now these doctors want Cong
so legislate as to give them full control of the medica
tary, and hygienic activities and bureaus of the Gove
that their powers may be complete.

The doctors of this school hold every medical position
Government, to the exclusion of every other school, and
who believes in the prevention or healing of disease
other means than theirs need apply.

Mr. President, the one great trouble is that the people
think for themselves in any matter affecting the public
They have preferred to rely upon the doctors and to be
and controlled by them. Public officials and the Cong
the United States do not trouble themselves about it
themselves responsible. They generally evince a sublim
ference to the subject beyond what the doctors say or
mend, and the people are fleeced of millions of dollars
leged works for the public health which had better be
away. They have much more faith in the doctors th
doctors have in themselves or in each other. The co

doctor has long since learned that drugs are a poison and that they do not heal. Consequently the conscientious doctor no longer gives or advises the giving or taking of drugs. But the incompetent and selfish and unworthy still makes his living that way.

The allopathic school of medicine is noted for the quantity of medicines they administer and their nauseous and distasteful character—so much so that their mode of treatment is often characterized as cruel and inhuman. So deleterious and harmful are their drugs that the homeopaths claim that a large part of their practice comes from those who have temporarily or permanently suffered from the effects of allopathic drugs. But I am glad to say that the better and more intelligent physicians of their school have given up the use of their strong drugs in a great degree. Their experience has taught them that such drugs do not heal, but engender and cause disease. Let us hope that they may soon reach that degree of intelligence that will lead them to cease the use of any drugs altogether. It would be a blessing to the human race if they would at the same time teach their patients to know what they have learned, that an inanimate drug has no healing quality and had better not be used. The people have been erroneously taught to rely upon drugs for their healing and have blindly believed in them so long that to deprive them of them would be disastrous until they learn that lesson. Drugs and the drug doctors' ministration of them have healed disease only because of the faith of the patient in the doctor and his drugs, and for no other reason. Doctors themselves bear witness to this fact.

In speaking of this subject, Dr. William Osler, formerly of Johns Hopkins Medical School, in an article in the Americana, uses this language:

> Yet after all the psychical method has always played an important though largely unrecognized part in therapeutics. It is from faith, which buoys up the spirits, sets the blood flowing more freely, and the nerves playing their parts without disturbance, that a large part of all cures arises. Despondency, or lack of faith, will often sink the stoutest constitution almost to death's door; faith will enable a bread pill or a spoonful of clear water to do almost miracles of healing when the best medicines have been given over in despair. The basis of the entire profession of medicine is faith in the doctor and his drugs and his methods. This is no new discovery. It was said by Galen that "he works the most cures in whom most have faith," and the doctor-chemist-charlatan Paracelsus, who died of taking a universal panacea too poisonous even for his confidence, told his patients to have full faith and a strong imagination and they would see the effects of it.

This is strong language to come from such a source. The truth of it will not be denied by any well-informed and conscientious medical practitioner.

I ask the Senate to consider carefully this one statement contained in this article:

> The basis of the entire profession of medicine is faith in the doctor and his drugs and his methods.

That is a remarkable statement. It comes from an eminent and noted medical practitioner of the allopathic school, and is a permanent contribution to the mass of information on the subject that can not be entered upon here, appearing as it does in one of the leading modern encyclopedias.

41917—10969

Mr. President, I may be pardoned if I stop here to poi
the difference between the patients of medical practitioner
Christian Scientists in respect of this question of faith.
believer in the doctor and his drugs has faith in a human
and his means of cure, while the Christian Scientist ha
shaken and supreme faith in the omnipotence and bene
influence of the Divine Being in the healing of disease. I
it to the candid judgment of Senators to say which of th
most worthy of faith and trust. But the Christian Sci
does not rest on faith alone, but upon such understanding
has of the power of God to heal and upon good works by
that healing may be brought about.

The drugging system of the homeopathic school of me
is entirely different from that of the allopathic school a
founded on a wholly different principle. I have no dou
rise was largely due to the protest against the cruel ar
human practices of the old school.

There are some commendable features of homeopathic m
tion as compared with the old school. Their medicines ar
in quantity and not so nauseous or distasteful, and while
can no more heal disease, except by faith, than can the
pathic drugs, they are far less injurious to the human sy
They are less harmful to humanity, and that is a good de

Then came the modern school of eclectics. The theo
practice adopted by this school is entirely different fro
others. Its founder and his followers were still searchin
a better means of healing disease and saving human
And still mankind is not satisfied. It is beginning to be u
stood now by all medical practitioners that the one great
to be done is not to heal disease, in which they have sig
failed, but to prevent it. They have learned, too, that the
to prevent disease is not by the use of drugs, in the fo
serums or otherwise, but in removing the extraneous c
of disease and preventing them from reaching the human
It is generally believed by all civilized and enlightened p
that lack of sanitation is, as men see things, one of the
prolific causes of disease and death. To this all schoo
medicine and healing agree. Veritably cleanliness is ne
godliness. But sanitation is not so much the work of the d
or other practitioners as it is of the skilled sanitary enginee
is claimed to have been discovered that the sting of the mos
causes yellow fever, the bite of the fly typhoid fever, and
the ground squirrel is the carrier of bubonic plague. Wh
the remedy? Obviously, to exterminate the mosquito, th
and the ground squirrel. This does not require the servic
a doctor or the use of a drug. When either of these bre
and disseminators of disease escapes and the disease is t
mitted to the human body, the doctor, with his drugs, is
less to give relief.

Going a little further in respect of the different mod
healing, we have the osteopathic school. It does not rely
or use drugs, but relies on the intrinsic powers of the h
body itself to restore healthy conditions.

We have also the practice of hypnotism, mesmerism,
suggestion. This alleged means of healing, including "su
tion," so called, is very largely used now by the old-school

41917—10969

sician. It is an admission of the inefficacy of drugs. But it is even more dangerous in its use than the drugs themselves.

In 1866 the principle of healing, which is known as Christian Science, came into use, and is very generally practiced. It, too, discards the use of drugs. Unlike all the other modes of healing that I have mentioned, it is religious in its character. The healing is not its religion, but is incidental to and results from its religion. Its healing is not confined to its own religious believers, but is open to all men.

MOTIVE FOR ACTIVITY OF AMERICAN MEDICAL ASSOCIATION.

There is abundant evidence, which can not be reviewed here, that the efforts of the American Medical Association to secure restrictive legislation affecting other schools of healing and legislation giving its school additional powers and privileges are selfish in the extreme and intolerant and oppressive, as I shall show further along. The motive of this is not far to seek. Of later years, not only have the more modern schools of medicine encroached upon the business of the allopathic doctors and interfered with their receipts, but thousands—yes, millions—of people in this country have learned not to use medicines in any form, much to their advantage in the way of economy and better health. As a result, inroads of the most serious nature have been made on the doctor's business and profits, besides bringing their practice into serious discredit. It was perfectly apparent that something must be done to save their credit and prevent the overthrow of their system of practice. It was a desperate case, and they have resorted to desperate and questionable means to protect their profession from ruin. This movement is not in the interest of humanity, as they would have us believe, but to uphold the prestige and protect the resources of the doctors of the old school of medicine. Their own declarations prove this beyond controversy. I shall a little further along submit for the consideration of the Senate some of their own declarations to that effect, to which others, almost without number, might be added, if it were necessary, coupled with the most startling statements of the extraordinary means resorted to to accomplish their object.

There is no public demand for this legislation. There is no sentiment in favor of it except that of one school of medicine and such as they have manufactured in their own selfish interests under the hypocritical pretense that it is for the public good.

HOW THEY OPERATE.

The doctors of the old school had possession. The people had become dependent upon them for help because they had not yet learned a better way. It was the fear that they would find a better way that spurred them to action. They have not been willing to stand upon their merits and be judged by their fruits; they have fought and persecuted every new school or mode of healing. They have appealed to the legislatures of the States for laws that were prohibitory of other schools and making the practice of medicine by them a crime, and have succeeded in many of the States in procuring such legislation. Their favorite scheme is to have established a board of health in every State,

and every county in every State, composed of doctors
school, and then procure a law making it a criminal
practice medicine or healing without first securing a
practice from their board of health. They opposed a
cuted the homeopaths, the eclectics, and the osteopaths
denouncing them as charlatans, quacks, and incompeten
of these could, in the beginning of these tactics, procur
their licenses to practice. But this did not work very l
these other schools of medicine became stronger and b
preciated by the people legislatures refused to pass th
hibitory laws, and governors of States sometimes veto
if they were passed.

The new schools have forced their way into public
notwithstanding all this unjust opposition, and now
schools of medicine are given places on boards of hea
applicants for licenses to practice by physicians of their
are given separate examinations by members of their ow
fession. Every new school or method of healing has bee
pelled to meet with this same kind of unjust opposition a
secution, and much of it has been accomplished throu
legislatures of the States. Many of the better class o
pathic physicians have deplored and opposed this mode of
ing opposition. It has been done mostly by and throug
American Medical Association. To secure such restrictiv
prohibitory legislation has been one of the chief objects
association. Of later years their efforts have been di
more particularly against the Christian Scientists. The as
tion has its branches and emissaries in every State and
city of any size in every State. They infest the legislatur
every State in the Union and present bills at every session
they succeed in securing the restrictive laws they want. A
present day they generally fail, but they continue their ef
with an energy and persistency worthy of a better cause.
some of the States, notably in Maryland, Ohio, and Miss
they have made it a crime for a Christian Scientist to pra
healing or to accept compensation therefor.

A conspicuous illustration of their methods may be foun
a late order procured by the doctors affecting the Panama Ca
Zone. They had an allopathic board of health, with a for
president of the American Medical Association at its he
They procured from the President an order in the follow
form:

EXECUTIVE ORDER TO PROHIBIT THE PRACTICE OF MEDICINE, SURGE
DENTISTRY, PHARMACY, OR MIDWIFERY WITHOUT A LICENSE.

By virtue of the authority vested in me, I hereby establish the
lowing order for the Canal Zone:

SECTION 1. It shall be unlawful for any person to practice or atte
to practice medicine, surgery, dentistry, pharmacy, or midwifery wit
the Canal Zone without first having obtained a license therefor fr
the Board of Health of the Canal Zone. Any person thus offendi
shall be punished by a fine not exceeding twenty-five dollars ($25) or
imprisonment in jail not exceeding thirty (30) days, or by both such fi
and imprisonment, in the discretion of the court: *Provided*, That th
order shall not apply to commissioned surgeons of the United Stat
Army and Navy or Marine-Hospital Service, nor to physicians, surgeon
dentists, or pharmacists and their assistants and nurses employed by t
Isthmian Canal Commission, nor to nurses acting under the orders of
licensed physician

SEC. 2. Any person shall be regarded as practicing medicine withi
the meaning of this order who shall prescribe for, operate on, or i

any wise attempt to heal, cure, or alleviate, or who shall in any wise treat any disease or any physical or mental ailment of another: *Provided*, That nothing in this order shall be construed to prohibit gratuitous services in case of emergency or to the administering of ordinary household remedies.

SEC. 3. This order shall take effect sixty (60) days from and after this date.

WM. H. TAFT.

THE WHITE HOUSE, *October 14, 1911.*

It will be seen that they so defined the practice of medicine in this order as to make it a crime to attempt to ameliorate sickness or disease in any form or by any means other than their own.

Section 2 of the order would have had the effect to exclude from practice in the Canal Zone every school of medicine except the allopathic school, including Christian Scientists and any and all persons who attempted to cure disease or alleviate suffering in any way by prayer or any means not included in the term "practicing medicine."

Section 3 provided in express terms "that any person shall be regarded as practicing medicine within the meaning of this order who shall in any wise attempt to heal, cure, or alleviate, or who shall in any wise treat any disease or any physical or mental ailment of another." There was no exemption whatever made of any mode of treatment. The evident purpose of the order, as drawn, was to give the allopathic school of medicine absolute and unlimited control of medical affairs in the Canal Zone to the exclusion of every other mode of healing.

When the attention of the President was called to this fact he said at once that he had understood that Christian Scientists were not to be disturbed in their practice by the order, and that if it could be construed as having that effect he would see that it was modified. The matter was taken up with the President and the Secretary of War, who gave it the most careful and conscientious attention, and finally modified the order by inserting the following clause:

Provided, That nothing in this order shall be construed to prohibit (a) the practice of the religious tenets of any church in the administration of the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation, provided that such sanitary laws, orders, rules, and regulations as now are, or hereafter may be, in force in said Canal Zone are complied with.

Christian Scientists made no objection to the provision in the order protecting the sanitary regulations of the Canal Zone and their enforcement, but frankly said to the President and Secretary of War that they believed in sanitation, and that the order might be made as strong with respect to that matter as they desired to have it.

But, Mr. President, this Canal Zone order was not the only law, by many, obtained and attempted to be obtained by the American Medical Association. Every State in the Union has some law regulating the practice of medicine and surgery, and every State has a State board of health or examiners from whom a license must be obtained to entitle anyone to practice medicine or surgery. The doctors have gone to extraordinary lengths in the attempt to protect themselves in a monopoly of healing and to exclude from the exercise of their rights all other modes of

healing than their own. In the procurement of boards of h
either State or county, the allopathic physicians, acting th
the American Medical Association, usually have boards
posed solely of their school of medicine, or, if other school
allowed to be represented, as they are now in many o
States, the allopathic school, usually called by themselves
ulars," invariably have there a majority or a greater numb
members on the board than that of any other school of med

In some of the States separate boards of examiners or h
boards are provided for three different schools of med
namely, the regular or allopathic school, homeopaths, and
tics. But in no instance, so far as I know, is a majori
members, where there is but one board, given to any bu
regular school. Having procured a board of examiners, or
of health, as they are sometimes called, they seek legislati
the different States providing that no one shall practice
cine or surgery until they have procured a license so to do
such board. To this Christian Scientists would make no
tion, as they are not practicing medicine or surgery, and
mode of treatment is not within the scope of the title to
various bills. They are almost invariably given the title of
"to regulate the practice of medicine and surgery," and
times midwifery, as indicated in the title. But they meet
situation by providing expressly what shall be included i
term "practice of medicine and surgery," and so define the
as to include modes of healing and practice that are not w
the meaning of the words at all.

It may be interesting to the Senate to follow in a brief
the course of legislation on this subject.

With respect to the body of the laws for regulation o
practice of medicine and surgery, these laws, with very
exceptions, provide, first, that no one shall practice without
having obtained a license from the board established by th
Then they provide just who and what kinds of practice
be included within the terms of the statute. The ingenuity
played by these political doctors who have been lobbyin
years in every legislature in this country in their effort t
sert in these laws some provision that will maintain thei
nopoly of the practice and exclude everybody else, chall
my admiration. The fact that many of such laws are in ex
the same language shows conclusively that they have bee
work of one moving power.

I am going to trouble the Senate by a brief review of
different statutory provisions. They are exceedingly int
ing. Of course where the statute contains no definition o
practice of medicine and surgery, no mode of healing that
not use drugs or the knife would be included in its tern
affected in any way. Some of the States have left them
in that condition, and therefore such modes of healing ma
practiced in those States beyond doubt.

But, taking up the States in their order: In Alabam
exemption is contained in the statute affecting the questi
am now discussing, and the definition of a practitioner w
the meaning of the act is as follows:

Any person who treats or offers to treat diseases of human
by any system whatsoever is considered to be practicing medicine

Nothing could be more absurd or unjust than this. Everyone knows that the Christian Science mode of practice, for example, is not practicing medicine, because they do not believe in medicines of any kind—do not use them or prescribe them—but are conscientiously opposed to their use. That a legislature of a State should falsify the facts, as is done in an act of this kind, in order to exclude people who are conscientiously endeavoring to heal disease and who have brought health, happiness, and contentment to thousands and thousands of people notwithstanding these restrictive laws, is almost beyond comprehension. It has been done at the instigation of medical practitioners, acting through the American Medical Association, whose attempt is to selfishly retain in themselves a monopoly of healing and exclude everyone else. It is singular that the legislature of a State should allow itself to be used in any such way.

In Arkansas no exemption is made, and when I say no exemption is made I mean as affecting the question which I am now considering, and in defining the scope of the act it is made to include anyone who—

prescribes or directs for the use of any person or persons any drug or medicine or other agency for the treatment, cure, or relief of any bodily injury, deformity, or disease.

In California Christian Scientists are excluded from the effects of the statute.

In the State of Colorado the exempting clause provides:

The act does not prohibit gratuitous service in case of emergency, nor the practice of the religious tenets of any church.

Under this exemption the courts of Colorado have held that it applies only to the exercise of religion by a church as a body, and therefore it does not exempt or protect a Christian Science practitioner, who exercises the right of healing, from the penalties of the statute.

In the following States, be it said to their credit, Christian Science is exempted from the provisions of the statute, in express terms: Connecticut, Massachusetts, New Hampshire, North Dakota, and South Dakota.

In the following States the definition of the act includes the following provision, either in the same words or words having the same meaning and effect: Delaware, Michigan, Minnesota, Nevada, and New Mexico:

* * * to suggest, recommend, prescribe, or direct for the use of any person any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or the body.

In the District of Columbia there is no definition of the meaning of the term "practicing medicine or surgery," and therefore Christian Scientists, of course, are not included within its provisions or penalties. The same is true of a number of the States.

In Georgia the act is made to include:

Any person practicing medicine or surgery who prescribes for the sick or those in need of medical or surgical aid and who charge or receive therefor money or other compensation or consideration directly or indirectly.

The meaning and effect of that statute, of course, turns
the word "prescribes," which, I assume, would apply ou
medical treatment.

The statute covering Hawaii includes:

* * * any means or method or any agent, either tangible
tangible, for the treatment of disease in the human subject.

The language of the statute of Idaho, in defining the sco
the act, is not as clear as it should be, but according to my
struction of it it includes only (as every statute of this
should) medical or surgical practitioners.

In the State of Illinois this exempting clause is found i
statute:

Nothing in this act applies to * * * any person who ad
ters to or treats the sick or suffering by mental or spiritual
without the use of any drug or material remedy.

In Indiana there is no exemption and—

* * * to heal, cure, or relieve, or to attempt to heal, cu
relieve, those suffering from injury, or deformity, or disease of mi
body—

Is included in the term "practice of medicine" withi
meaning of the act.

In Iowa there is no exemption, and it is provided in th
that—

Anyone is regarded as a physician who publicly professes to
physician, surgeon, or obstetrician and assumes the duties there
who makes a practice of prescribing and furnishing medicine fo
sick, or who publicly professes to cure or heal.

In Kansas the exempting clause is as follows:

Nothing in this act shall be construed as interfering with any
gious beliefs in the treatment of disease: *Provided*, That quara
regulations relating to contagious diseases are not infringed on.

In Kentucky the definition of the act includes persons
shall—

treat or attempt to treat any sick or afflicted person by any syst
method whatsoever for reward or compensation, or to announce
public in any way a readiness to treat the sick or afflicted.

But Christian Scientists are excepted by name.

In Louisiana there is this exemption:

Nothing in this act, however, shall be construed to prohibit the
tice of the religious tenets of any church whatsoever.

In Maine Christian Scientists and osteopaths are expr
exempted from the terms of the act, together with—

any other method of healing, if no poisonous or dangerous drug
employed nor surgical operations performed.

In the State of Maryland the medical boards certainly
full control, for it is provided in express terms that Chri
Scientists are not exempted from the terms of the statute.

In Michigan no exemption is made, and the act is ma
include all persons who—

attempt to diagnose, cure, or relieve any human disease, ailment, d
or complaint, whether of physical or mental origin, by attendan
by advice, or by prescribing or furnishing any drug, medicine,
ance, manipulation, or method, or by any therapeutic agent whats

There is no exemption in Minnesota, and the defining c
of the statute includes any—

agency for the treatment, care, or relief of any wound, fractu
bodily injury, infirmity, or disease.

In Mississippi there is no exemption and no definition o
meaning of the terms of the act, in which case, of course, C

tian Scientists are exempted because they are not practicing medicine.

In Missouri there is no exemption, and the definition includes—

* * * any person attempting to treat the sick or others afflicted with bodily or mental infirmities.

I shall come to the State of Missouri a little further along and disclose to the Senate the extent to which the board of health of the city of St. Louis has gone in attempting to suppress the practice of Christian Science under this statute.

There is no exemption in the State of Montana, and the act is made to apply to any—

agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury or other deformity, after having received, or with the intention of receiving, therefor, either directly or indirectly, any bonus, gift, or compensation.

In a number of the States the right to practice Christian Science is made to turn upon the question of compensation. It was conceived that a law absolutely forbidding Christian Scientists to heal disease would be unconstitutional, and in order to avoid that contingency it was believed that they might be prevented from practicing by forbidding them to receive any compensation for their services. In that the legislatures and the doctors who procured this kind of legislation have been greatly mistaken. Christian Scientists do not practice the healing for money alone, and the practice of healing by them is gradually and steadily increasing in all of the States where this unjust provision has been made by law.

In Nebraska the law contains no exemption, and has this provision defining the scope of the act:

Any person shall be regarded as practicing medicine who shall operate or profess to heal or prescribe for or otherwise treat any physical or mental ailment of another.

The statute in the State of Nevada contains the provision above mentioned in the State of Montana, and almost in the exact language.

In the New Jersey statute the language is peculiar. There is no exemption affecting this question, and this provision is inserted in the definition clause:

The act applies to all persons professing and attempting to cure diseases by means of the so-called systems of "faith curism," "mind healing," "laying on of hands," and other similar systems.

I do not know whether or not the distinguished lawmakers of the State of New Jersey understood that Christian Scientists would be included in that category. Certainly they would not place themselves there. So far as I know, the courts of that State have not been called upon to determine what is included in that definition.

In the provision in the New Mexico statute, in defining the words "practice of medicine," the language is precisely the same as I have stated for Montana and Nevada.

In New York this clause is inserted in the definition of the practice of medicine: Anyone—

who shall either offer or undertake by any means or method to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition.

North Carolina has no definition and therefore does not affect the rights of Christian Scientists.

41917—10969

In Ohio the defining clause is made to include any pe
who administers—

treatment of whatever nature for the cure or relief of a wound,
ture, or bodily injury, infirmity, or disease—

for a compensation.

This clause in the Ohio statute has been construed by
courts to apply to Christian Scientists, and they are positi
forbidden in that State to practice healing for a considerat

In Oklahoma the defining clause limits the operation of
statute to the practice of medicine and surgery in the pr
sense of those terms, and therefore does not prohibit o
modes of healing.

The State of Oregon may be regarded as in the same
dition, except that the language of the defining clause of
statute is somewhat ambiguous and uncertain.

In Pennsylvania, again, there is no defining clause.

The statute of the Philippine Islands is made to apply to
one who shall "treat" any person for any ailment.

In Porto Rico the language of the statute is almost preci
the same as that of Montana and Nevada.

The State of Rhode Island has a reasonable and proper de
tion of the practice of medicine and surgery, and does not
hibit other modes of healing.

The language of the South Carolina statute is the sam
that of the Philippine Islands.

The statute of Tennessee is made to apply to anyone
"treats or professes to treat" any person for any phys
ailment, the same as in the Philippines and Porto Rico.

The statute of Texas provides that there shall be no discr
nation against any school of medicine nor apply to mass
practicing massage and provides in the defining clause that—

Any person shall be regarded as practicing medicine who
* * * treat or offer to treat any disease or disorder, menta
physical deformity, or injury by any system or method or to effect
thereof and charge therefor, directly or indirectly, money or other
pensation.

This is another of the statutes which makes the right to p
tice Christian Science depend upon the charging of a compe
tion.

The State of Utah has this provision in the exempting cla

This act does not prohibit * * * those healing by spiritual m
without pretending to have a knowledge of medicine.

In Vermont there is no exemption, and the act is made by
defining clause to apply to all persons who—

prescribe, direct, recommend, or advise, give or sell for the use of
person any drug, medicine, or other agency or application for the t
ment, cure, or relief of any bodily injury, infirmity, or disease, or
fellows the occupation of treating disease by any system or method

The defining clause in the statute of Virginia makes the
ute apply to persons who—

cure or relieve those suffering from injury or deformity, or diseas
mind or body, or advertise or announce to the public in any mann
readiness or ability to heal, cure, or relieve those who may be suff
from injury or deformity or disease of mind or body.

The exemption clause is as follows:

Nothing in this act shall be construed to affect or to limit the
tice of the religious tenents of any church in the ministration o
sick or suffering by mental or spiritual means without the use of
drug or material remedy, whether gratuitously or for compensa
provided sanitary laws are complied with.

41917—10969

The exemption clause in the statute of Washington includes the following:

> Nor is the act "to discriminate against any particular school of medicine or surgery or osteopathy, or any system or mode of treating the sick or afflicted, nor to interfere in any way with the practice of religion."

The defining clause of the statute of West Virginia confines the effect of the act to the practice of medicine, as every such act should in justice be confined.

The statute of Wisconsin is in like condition.

There is no exemption in the statute of the State of Wyoming and the defining clause contains the following:

> Any person is regarded as practicing medicine who in any manner holds himself out to the public as being engaged in the diagnosis and treatment of diseases or injuries or deformities of human beings, or who suggests, recommends, or prescribes any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment of any person, with the intention of receiving therefor, either directly or indirectly, any fee, gift, or compensation.

Another of the statutes turning upon the question of charging for services rendered.

The statutes containing these various peculiar provisions, especially those bringing within the terms of the statutes for the regulation of the practice of medicine and surgery all persons who are healing disease by altogether different means and without the use of medicines or surgery, show the extent to which the American Medical Association has gone in attempting to hold in the hands of its own profession and school of medicine the treatment of disease, and how obliging the legislatures of the different States have been in giving false definitions of the practice of medicine and surgery in aid of this effort on their part. If these unjust and, in many cases, unconstitutional statutes should be enforced Christian Scientists would be in many of the States absolutely prohibited from any attempt to heal disease or alleviate suffering in any form; but, fortunately, the people of this country are more enlightened, intelligent, and tolerant than the doctors or their legislators in many cases. The doctors have made the most strenuous efforts to enforce these statutes in various States. Their efforts have usually been failures. Generally jurors will not convict in such cases, even if the statute has been violated, as the beneficent work of Christian Science has become so well known throughout the country, resulting in the healing of thousands of people after the doctors had given them up as incurable, and has convinced pretty much everybody except the doctors, whose selfish interests are involved, that they are doing a work which should be commended by all good citizens instead of making it a criminal offense to exercise their right of healing.

I am going to trouble the Senate now for a time by showing just what has been done in some cases by the medical practitioners in attempting to enforce these prohibitory statutes which they themselves have brought about for selfish purposes in the prosecution, even persecution, of those who have conscientiously endeavored to heal disease and alleviate suffering by means in which they thoroughly believe and which have been eminently successful.

I can give only a very few of these cases, as time will not permit me to go into many of them. If I could bring before the Senate of the United States all of the cases of persecution that have grown up under the prohibitive statutes which I have

called to its attention it would arouse the just indignat
every Member of this body.

I now call attention to one case which is in point. I
called to the attention of the Senate the provisions in the
ute of the State of Missouri which makes it a penal offen
any person to attempt to treat the sick or those afflicted
bodily or mental infirmities unless they have procured a l
to practice medicine or surgery from the board of healt
thorized by the statute to issue such licenses. Of c
Christian Scientists can not procure a license from a m
board of examiners or board of health, because they are n
medical practitioners nor surgeons. Therefore, under this
ute, every person who ministers to the sick or injured w
such a license is made subject to a penalty.

Bertha Reichenbecher was a Christian Science practi
and a reader in one of the churches in the city of St.
She was urgently requested to attend a man who f
claimed to be seriously ill. She responded to the call a
cepted a fee of $1 that was pressed upon her by the a
patient. The man was a decoy of the health department
city, who pretended to be ill in order to detect Miss Re
becher in the act of practicing Christian Science healing.
bill he gave her was marked. Officers were waiting for
the door and arrested her for the alleged offense and too
to the police station and treated her throughout with un
sary indignities. But I shall let Miss Reichenbecher giv
particulars of the occurrence. She has made a succinct
ment of the whole matter in a sworn affidavit, which
follows:

STATE OF MISSOURI, *City of St. Louis, ss:*

Personally appeared before the undersigned, a notary public
and for the said city of St. Louis, Bertha Reichenbecher, who,
duly sworn on oath, deposes and says, viz:

"My name is Bertha Reichenbecher; am 45 years of age, a
married. I reside at No. 1726 Oregon Avenue in the said city
Louis, where I keep house with my mother, who is now 91 ye
age. I have been a member of local Christian Science church
the past 12 years. I am now a member and the second rea
Third Church of Christ, Scientist, in St. Louis, and have been a
ber of the First Church of Christ, Scientist, of Boston, Mass.,
1907; am also a Christian Science practitioner, and have been f
years past.

"On Friday, December 15, 1911, a young woman, giving her n
Hazel Miller, applied to me at my home for Christian Science
ment, saying that she had obtained my name from another Ch
Scientist and that she has also heard me read in the Christian S
Church. I gave her a treatment, and she requested me to ca
next morning to see her brother, who, she said, was confined
house with Bright's disease. She gave her residence as No.
Oregon Avenue. There was nothing said by either of us about pa
for the treatment. The next morning at 11.15 I called at th
dress and found the young man lying on a couch, covered, and
bottle of medicine and a pipe on a chair beside him. After a
talk I gave him treatment and arranged that he should call at my
the following Monday, as he had arranged for a week's treatme
had started for the door when he called me back and insisted th
'sister' pay me for the treatment. I asked them to wait until
through with the case, but he insisted that I accept payment th
the treatment given. They paid me $1, and I departed. Upon re
the corner of Oregon and Russell Avenue, a man stood facing m
bowed as I approached, and said, 'You are Miss Reichenbecher?'
plied, 'Yes,' and shook hands with him, thinking he was some
had met and whose name I could not recall. He said, 'My n
Coats; I am an officer of the law, and must arrest you for pra
Christian Science without a license.' I asked if he had been wa
my house. He replied, 'We do not give away our methods.'

41917—10969

said that I could not understand why they should entrap me in this way, when they might go and find Christian Science practitioners in their offices all over the city. He made no reply. I asked permission to go to my home, a little over a block away, and inform my mother, who is 91 years old, that I would be away for a little while; but he would not permit me, saying that I could use both telephones when I reached the station. We then took the Tower Grove car to the central station, and he reported to Acting Sergt. Singleton. I telephoned to Mr. John Ashcroft that I had been placed under arrest. It was 12.30, as near as I can remember, when we arrived at the station. I told them that my bondsman and attorney would be there as quickly as possible. After giving my name, etc., Officer Coats, who arrested me, escorted me to the second floor and I was turned over to the matron. There was some woman present who had slept there several nights, having been under arrest, to whom the matron said in sharp, impatient tone, as I entered, 'Turn your back.' She then said to me in the same tone, 'Take off your things.' I said, 'Why? Shall I have to wait long? I am waiting for my bondsman and attorney.' She said, 'You will probably be here some little time.' She then said, 'Take off your hat.' When I did so, she took it and untied the lining; felt all over the hat, inside and out; and requested me to take off my coat. She emptied my pockets, and asked whether there were only two pockets in the coat, after shaking the same. She then said, 'Put down your bag; now take off your waist.' I said, 'Why, do you mean to search me?' She replied, 'Yes.' I grew red, I know, and said, 'Why, I am not arrested for theft; do you know what I am arrested for?' She said, 'Yes; we have had lots of your kind, and we have to take these measures to get rid of them.' I remarked, 'I have been arrested for practicing Christian Science without a license.' She said, 'I know—drop your skirts.' I stood but 3 or 4 feet from a door which contained a glass panel, across which a narrow towel had been stretched, leaving some inches of the glass exposed at the top. I turned, and said, 'Why, look; I can see those men's heads.' She said, 'That don't matter; they can't see anything.' I reiterated at different times, 'This is awful, to be compelled to be searched as though I had committed a theft'; and I remarked that Miss Dyer had been arrested several weeks before, and I asked whether she had been subjected to this ordeal. She said she did not remember; she supposed so. She requested me to unfasten my garters and remove my corsets, which article she carefully searched, and she then told me to take off my shoes and turn down my stockings to the feet. This left me with nothing but my undergarments on, and she felt carefully over my entire body and also through my hair. While she searched I could also hear the voice of Mr. Priesmeyer, my bondsman, talking in the next room.

"During our conversation I asked the matron if she knew anything about Christian Science, and she said very little; that one lady at one time gave her a rather intelligent answer to the question as to what Christian Science was; and she asked me what Christian Science was. I said, 'Prayer, and keeping the heart close to God.'

"After dressing, she asked me to count out the money in my purse, laying dollars together, and to turn out everything that was in it. There was $12.86 in the purse. My bag or purse was then handed to the two men in the next room (Coats and Lawrence), and, as the door was opened a number of times while I was in there, I saw them counting the money and going through the contents of my bag. These men put my money in an envelope and marked it '11.86.' I did not know until I saw the statement in the newspaper two days later that they had taken the marked dollar bill, which Lawrence had given me, out of my purse, nor did I know that the dollar was marked.

"While the matron did not handle me roughly, she treated me in exactly the same manner she would have exercised with any criminal who was turned over to her. While I did not resist physically, I certainly made strong protests against being subjected to the search. I treated her with the courtesy with which I treat everyone, and when I left I said 'good-day' to her, as I did not blame her for the treatment I had received, since she assured me she was only carrying out orders.

"Later, when I was permitted to go into the next room, there was another man who required me to sign my name in a book, and he escorted me to the room downstairs where my bag had been left, and there it was turned over to me.

"BERTHA REICHENBECHER."

Subscribed and sworn to before me this 15th day of January, 1912. My commission expires May 30, 1914.

[SEAL.] OLIVER FRAZIER,
Notary Public, City of St. Louis, Mo.

41917—10969

This disgraceful proceeding aroused the indignation of t
good people of St. Louis. The prosecuting attorney denounc
the proceeding as a "frame-up" and refused to prosecute t
case. The newspapers, including some medical journals, c
nounced the proceedings in unmeasured terms. One of t
newspapers of the city, after giving a full account of the affa
and commenting severely upon the conduct of the board
health, had this further to say:

PHYSICIAN DENOUNCES COMMISSIONER.

The next step in protest against municipal and medical tyranny w
taken a few days later when Dr. Paul Fletcher, a member of the c
council and a prominent doctor, introduced resolutions in the coun
condemning the action of Dr. Starkloff in gathering evidence. T
council defeated the resolutions. Dr. Fletcher defined his position
follows:

"The health commissioner has caused employees to faint, and t
methods are repugnant to many of our esteemed citizens; it is a trave
on the law and subversive of right and justice. It is wrong to put
woman in jail who has committed no crime. I am a physician, but
our law officers are compelled to resort to such methods it is time to r
up in protest.

The opposition of medical journals to Christian Science w
clearly shown, but it is some consolation that some of them c
nounced this proceeding and declared for common decency
the treatment of such cases. I wish this might be said of t
doctors who usually deal with matters of this kind. They a
trying to enforce such prohibitory laws rigorously and witho
mercy with the hope of suppressing such treatment of disea
entirely. It is a hopeless task as well as a brutal attempt
deprive thousands of our people of the right to resort to t
remedy of their own choice for relief from disease. If t
teachings of Christian Science are false, if the principle of he
ing its people believe in is not true and their pretensions a fal
Christian Science will not survive. If it is the truth it w
prevail, and no restrictive or prohibitory laws nor any amou
of persecution can overthrow it or force them to forego th
right and their religious duty to heal the sick. They belie
and I concur in that belief, that any law that forbids or int
feres with this right and duty is in violation of the Constituti
of the United States and should be treated accordingly. I sh
come to this question further along.

I desire to take up one or two other cases of prosecution u
der the prohibitory or restrictive State statutes. The followi
newspaper account of conditions in New York is interesting:

ARRESTS IN NEW YORK—CASE AGAINST MRS. MOSBACH RESULTS IN A
QUITTAL—GRAND JURY REFUSES TO INDICT ONE MAN.

The status of the "irregular" practitioner in New York City is s
an unknown quantity. The latest case that has come up is that
Mrs. Margaret Mosbach, whose daughter, Kathryn, was found by t
coroner to have died on November 30, 1911, of diphtheria, under tre
ment by a Christian Science practitioner, Mrs. Marie Roberts, of t
Bronx. On January 5 a coroner's jury, containing many of the m
prominent men of the Bronx, acquitted Mrs. Mosbach of willful negl
in failing to call a physician for her daughter. The verdict of t
jury raised the question of needed legislation to prevent occurrence
such cases.

WHY NOT ARREST DOCTORS, TOO?

Mr. Virgil O. Strickler, former first reader of the First Church
Christ, Scientist, New York, commented on the Mosbach case in
lecture. Mr. Strickler said that the New York World had publish
a list of 32 children who had died under Christian Science treatme
during the last 13 years. The newspapers always publish such cases
glaring headlines, he said, but the people's attention was not called

cases proving fatal under regular physicians. Against 1,715 deaths in New York alone from diphtheria during 1910 of young children under care of doctors, only 10 from that cause had occurred in 13 years under Christian Science treatment over the entire Nation. "Really," he concluded, "in all fairness, why should not the doctors be arrested for allowing these children to die under their treatment, the same as a Christian Science practitioner is arrested when one patient dies from the same disease under her treatment?"

GRAND JURY REFUSES INDICTMENT.

This recent case recalls the arrest about a year ago of Willis V. Cole, Byron W. Winslow, and Julius Benjamin, Christian Scientists, after the machinations of a woman detective who feigned illness and asked them for treatment. They were held for the court of special sessions, but had the trials transferred to the court of general sessions. This gave the grand jury an opportunity to pass upon the merits of the cases, and the grand jury investigating Mr. Winslow's case refused to indict. The cases of Cole and Benjamin are still pending, and will probably be made test cases to decide the rights of unlicensed practitioners.

Mrs. Mosbach was charged with neglect in trusting to Christian Science treatment in case of her daughter who died of diphtheria and not calling a doctor. It is quite a common thing to censure anyone who fails to call a doctor where death ensues. If a doctor is called and the patient dies no one is to blame. If a doctor loses a patient it is called a misfortune. The same thing if a Christian Scientist is the attendant is a crime.

This further account of the New York situation is from the New York World:

WHY NOT ARREST DOCTORS WHEN PATIENTS DIE? (VIRGIL O. STICKLER)—THERE WERE 1,715 DIPHTHERIA DEATHS IN CITY IN 1910—UNDER "SCIENCE" TREATMENT 1 IN 13 YEARS—FIRST READER QUOTES FROM VITAL STATISTICS—PROTESTS AGAINST ADVOCATES OF THE DRUGGING SYSTEM ATTEMPTING TO DICTATE.

When the World published two weeks ago a list of 32 children who had died of diphtheria and other diseases during the last 13 years while being treated by Christian Science practitioners it moved Virgil O. Strickler, the first reader of the First Church of Christ, Scientist, Ninety-sixth Street and Central Park West, to compile a few statistics from the vital records of the city to set against the list. This is his response as he made it when lecturing to the Sixth Church of Christ, Scientist, in Lexington Hall, No. 158 East Fifty-eighth Street, Tuesday night.

Many people do not understand why Christian Scientists have more faith in Christian Science treatment than they have in drugs. The reason is very plain, said Mr. Strickler. They get better results under Christian Science than they formerly obtained under the drugging system.

The World published on Sunday the names of 32 children who, it claimed, had died under Christian Science treatment in the United States during the past 13 years. Whenever a person, and especially a child, dies under Christian Science treatment the fact is published under glaring headlines in the papers, and as a rule somebody is arrested. It is safe therefore to assume that the list published contained the names of all the children who have died under Christian Science treatment during the last 13 years.

In the published list of names 10 are said to have died from diphtheria, 5 from pneumonia and bronchial pneumonia, 2 from scarlet fever, and the remainder from a variety of causes.

WHAT NEW YORK RECORDS SHOW.

I hold in my hand an official report of the department of health of the city of New York for the year 1910, which shows that during the last year there were 1,715 deaths from diphtheria, nearly all children under 15 under the care of doctors in this city alone, as against 10 deaths from the same cause under Christian Science practice in the entire United States in 13 years. Of these 10 cases, only 1 was in New York City.

The official report also shows that there were 953 deaths in the city last year from scarlet fever under medical treatment, nearly all of which were children, as against 2 in the entire United States in 13 years under Christian Science treatment, and not one of those was in this city.

41917—10969

The results in pneumonia and bronchial pneumonia are even more startling. The official report shows that 10,519 people died in the city of New York alone last year from these diseases under medical treatment, more than 50 per cent of whom were children under 15 years of age, as against 5 per cent in the entire United States under Christian Science treatment in 13 years.

The report of the board of health also shows that 27,111 children under the age of 15 years died from all causes under medical treatment in the city of New York last year, as against 32 who are shown by the published list to have died under Christian Science treatment in the United States in 13 years.

WHY NOT ARREST DOCTORS?

These facts show why Christian Science parents have more faith in Christian Science than in drugs for themselves and their families. If any school of medicine could guarantee cures, it would not be necessary to arrest people in order to compel them to employ doctors of that school.

Why do the newspapers call attention in a spectacular way to the death of one child in New York City in 13 years under Christian Science treatment from diphtheria, when more than 1,500 children under the age of 15 years died last year in the city from the same disease under medical treatment without the newspapers saying a single word about the failure of the doctors?

Really, in all fairness, why should not the doctors be arrested for allowing these 1,500 children to die from diphtheria under their treatment, the same as a Christian Science practitioner is arrested when one patient dies from the same disease under her treatment? Or why not arrest the mothers of these 1,500 children for employing doctors who allowed their children to die, the same as to arrest the mother of the one child who employed a Christian Science practitioner?

Mr. President, Christian Scientists do not claim to be perfect. They do not claim to heal in all cases. But they do claim that they have a much larger proportion of cures than the medical practitioners, and that, too, while their patients are very largely composed of persons who are afflicted with so-called incurable diseases, and who have been given up as incurable by the doctors. They do not believe there are any incurable diseases. They have proved it by healing thousands of diseases classed as incurable, and which the doctors admit they can not heal, many of them being cases that the doctors have actually given up as hopeless. They do not ask any favors of Congress or any other lawmaking power to sustain their position as healers of disease. They are willing to stand upon their merits, as shown by their works. They are willing to be judged by their fruits. What they do insist upon is that laws shall not be passed or enforced that will deprive them of the right to heal disease or put them within the power of the doctors, most of whom are their common enemies, for selfish reasons. They are kept constantly on the alert to meet the unwarranted efforts of the American Medical Association to procure legislation that shall make every act of theirs in aid of the sick and afflicted a crime and forbid them from healing disease. They have not always been successful. As I have already pointed out, there are many legislative acts in the States that have this effect, and which are wholly unjust and oppressive.

With respect to the acts of coercion urged by the doctors, with unjust laws as their weapons, the Business Farmer, published at El Paso, Tex., makes editorially this very pertinent comment:

"WHERE ART THOU?

"And there was war in heaven; Michael and his angels fought against the dragon."

The whole world has become a stupendous battle field, whereon is being waged the grandest battle ever witnessed by mankind. The superficial observer reads about the overthrowing of the long-established monarchical Government of Portugal, the revolution in medieval China,

the barbarous war between Italy and Turkey, the seething turmoil in Mexico, and the strike and strivings of our country, and wonders—what's next.

The close student of the times, looking beneath the surfaces, recognizes the great universal issue at stake. He sees the battle of Armageddon being repeated on a world-wide battle field. He sees all the seeming powers of evil marshaled against the oncoming armies of truth. He sees on one hand the believers in the universality of the brotherhood of man, and on the other the cohorts of special privileges. He sees the desperate efforts being made by evil and selfishness and greed to ensnare and enslave man, "made in the image and likeness of God," and bind him shackled and helpless to the chariot of Greed's own aggrandizement.

But universal man is slowly but surely learning of his birthright—is learning to know that he was not made to slave and toil and starve, that bestial power might sit in gilded palaces and trample on every right, human and divine.

One of the boldest and most audacious demands of the special-privilege-seeking class that has been witnessed in this country is evidenced in the efforts being made by the American Medical Association to foster on the people of this country one of the most iniquitous laws ever attempted to be fastened on a free people. In order to secure exclusive privileges, and in flagrant violation of the rights of other schools of medicine, it seeks and, to accomplish its ends, is carrying on a most heartless, cruel, and diabolical campaign. It seeks to inoculate the mind of the people with fear and terror. It is constantly sounding the tocsin of alarm, conjuring up new diseases to frighten and terrorize the community, and then demanding added powers to combat the product of its own excited imagination.

The following communication to the Ohio State Journal shows the oppressive measures to which the doctors have resorted in Ohio:

ARREST OF SCIENCE HEALERS.

Two years ago a timid maiden lady who happened to be practicing a method of healing which required no medicine whatever was summoned before the State medical board and told in language both uncivil and severe, if not harsh and cruel, that if it ever heard of her healing anyone by her method it would arrest her, and the frightened girl has obeyed. Remember this threat was against the practice of medicine without license, which she had never thought of doing and knew not how to do.

Permit me to cite another outrage from the same official quarter: Late Friday night two officers appeared at two residences on the East Side and, compelling two ladies to enter a patrol wagon, hurried them off to the West Side on a charge of trying to heal the sick without medicine and without the paid consent of the medical board. The evident design and hope of the planners of this late-at-night arrest was to terrify and mortify the lone ladies, who had for months kept a cancer-afflicted patient from the surgeon's knife and thus cheated him out of a case, if not a fee. As it was, the ladies had to wait at the station until husband, friend, and attorney came to release them under bond, thus defeating the design to punish the ladies by a night in jail.

Now, the ends of the law, if merciful, could have been met in broad daylight, between 9 a. m. and 5 p. m., but that would not have served the aim. Even if the medical board is a legal department of State, some of its officers are not commending it to public favor, but, rather, inviting comparison with the monarchical methods of Europe, China, and Japan. (Reform, Columbus, Nov. 25.)

WHY THE AMERICAN MEDICAL ASSOCIATION WANTS THIS BILL PASSED.

The American Medical Association is using every effort to maintain and increase its power. To this end it has spent years of time and thousands of dollars in the effort to establish a national medicine with one of their schools of medicine at its head. The Senate can readily see by what I have already shown of their efforts to enforce the existing laws how that power would be used against every other school and mode of healing. They have organized for the campaign in the most effective way. The association passed the following resolution, offered by Dr. McCormack:

Resolved, That the president be, and is hereby, authorized to appoint a committee of seven members, which shall be charged with the duty of

framing a bill for a national department of health, to be presented to the next session of Congress in December, and that this committee shall consider and determine all matters and policies relating to national health legislation, and may invite the cooperation and cooperate with other organizations having the same purpose in view.

Prof. Irving Fisher, chairman of the committee of one hundred, largely composed of allopathic or "regular" doctors, has this to say on the subject:

Our legislative subcommittee and executive subcommittee have held frequent meetings. We believe that it is not possible to overcome the opposition unless a campaign fund of from $20,000 to $25,000 can be raised at once. This will be used for printing, stationery, telegrams, etc., the effect of which will be that Congressmen, especially pivotal Congressmen, will not dare to displease their constituents by opposing President Taft's program. It will also be used to reach our American Health League—which contains many thousand health enthusiasts—to start up our Authors' League of 1,000 health writers, to stimulate our press council of 100 leading editors, and to supply them and the members generally with ammunition in the way of literature; also to reach the labor organizations and the Grange and all our allies. * * *

I am writing to you among the first, knowing that you keenly appreciate the importance of overcoming the selfish opposition to a project which, once started, will surely expand within a decade so that millions upon millions of Government money will be put into this most needed form of national defense.

Letters received from Congressmen in response to our effort to poll them on this question show that many of them, and especially those who control procedure, need something more than the President's message to urge them to action; in short, that they must have letters and telegrams from their constituents.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. I presume the Senator from California is aware of the fact—but I think it ought to go into the RECORD—that Prof. Fisher is not a physician.

Mr. WORKS. Oh, yes; I am aware of that.

Mr. GALLINGER. He is merely a professor of economics, or something of that kind. He took up this propaganda—I do not know what his purpose was—and has undertaken to push it over the country. I never approved of it, and told him so very plainly.

Mr. WORKS. I had stated on another occasion, I will say to the Senator from New Hampshire, that I regard the efforts of Prof. Fisher as entirely sincere.

Mr. GALLINGER. Undoubtedly.

Mr. WORKS. But he is not a physician.

The reference to President Taft's program in this communication was purely gratuitous. The President had no such program as they were attempting to carry out. On the contrary, he was opposed to the bill and so informed its friends. He was opposed to creating a medical department and they were so informed. What he did recommend was the bringing together of the present medical bureaus under one management, giving as a reason that it would be more economical as well as more efficient, and nothing more. They are accepting this bill in its present form because they must, but with the fixed purpose of adding to it when they can until they have gotten all they started out to get.

Now, Mr. President, let us see what they are seeking to accomplish. There is no limit to their ambition and selfish desires in this respect, as I shall show by their own declarations.

The following resolution of the American Medical Association, adopted by its committee on medical legislation during its session at the Holland House, in New York City, in June, 1903, will tend to show the extent to which they are willing to go and the means they will use to accomplish results:

Resolved (4). It shall be the duty of each member of the national auxiliary congressional and legislative committee to bring all and only such matters of pending legislation as may be referred to him, either by the legislative committee of his respective State or Territorial medical association, or by the committee on medical legislation of the American Medical Association, to the attention of the medical profession and the people of his respective county, and by every honorable means, personal and political, individual and professional, private and public, direct and indirect, secure desired action thereon by his representatives in both branches, as the case may be, of the State legislature, or of the Congress of the United States. And it shall be his further duty promptly to report all such efforts on his part, first, relative to State legislation, to the chairman of the committee on legislation of his State medical association; and, secondly, relative to national legislation, to the chairman of the committee on medical legislation of the American Medical Association.

Resolved, That the chairman of committee on medical legislation of the American Medical Association is hereby directed (a) to procure from the president of each State and Territorial medical association nominations for such national auxiliary congressional and legislative committee, (b) to formulate a list of the chief executive and legislative officers of the United States Government and of the government of each State and Territory, (c) to collate necessary information relative to the executive and legislative departments of the American Medical Association and of each State and Territorial medical association, (d) to formulate a list of the officers of each State and Territorial board of health and medical licensing board, and (e) to secure a brief summary of proposed legislation, State and national. And he is further directed to arrange the information thus collected into a congressional and legislative directory of the American Medical Association.

Dr. Samuel Dixon, of Pennsylvania, in a paper entitled "Law the Foundation of State Medicine," published in the journal of the association, said:

Compulsion, not persuasion, is the keynote of State medicine. Let it be understood that no matter how great efforts we may make to educate the people, unless we have the lex scripta—the written law—to fall back on, State medicine, while it may be a beautiful science, can never be a practical art. * * * The great majority of mankind are neither wise enough voluntarily to submit themselves to the requirements of sanitary law for the sake of preserving their own health and that of their loved ones, or righteous enough to be willing to exercise self-denial and repress the cravings of avarice to save others from sickness, suffering, and death. * * * But the law we must have. These laws must reach into all the relations of life. * * *

Thus we have a State system of sanitary administration, complete and symmetrical; its head at the seat of power in the State, untrammeled in the exercise of authority, reaching down through the subdivisions of county and township to the people, and a department in daily touch with every nook and corner of the State through its faithful allies, the physicians of the Commonwealth.

The following from an article by Henry R. Strong, of St. Louis, shows fairly well the workings of the American Medical Association:

THE ATTEMPT OF THE AMERICAN MEDICAL ASSOCIATION TO ENLIST LEGISLATIVE AID IN FAVOR OF ITS MONOPOLISTIC SCHEMES.

Finally, in the last few years, the association, following the example of other corporations in the gradual forging of its monopolistic bonds, has essayed to influence the legislative and administrative branches of State and National Government in favor of its schemes, and has recently gone openly into politics for that purpose. To be sure, it still shouts its old-time slogan of "the public weal," but in this case it makes the thinnest kind of disguise of its real motives and openly boasts that it has already made the power of medicine felt in legislative halls, so that whereas legislators formerly kept the representatives of the association dancing attendance upon them for anything they

wanted now these same legislators dance attendance upon the association's delegates.

Said Dr. C. A. L. Reed, chairman of the legislative committee and late candidate for the United States Senate, in a speech at Chicago during the recent meeting of the association:

"When a committee of the American Medical Association went to the Fifty-eighth Congress, their legislative committee said, 'Can't you boil down what you have to say into 20 minutes?' Dr. Reed said, 'There were in that Congress one doctor in the Senate and none in the House.' * * *

"In the Sixtieth Congress there were five doctors, all told, and because of the same influence we simply went to the Willard Hotel and sent for Congressmen to come to us, and they came. * * * In the next Congress I have every reason to believe there will be 25 physicians."

According to Dr. Reed, it is only by representation in Congress, which he described as being at present 'water-logged with lawyers,' that the association could hope to see its will translated into law.

* * * * * * *

Like every powerful corporation, the American Medical Association has a legislative fund. Probably like every other corporation it has really two legislative funds, one open to public scrutiny and the other known only to the powers that be. The Journal of the American Medical Association of May 23, 1908, tells of annual expenses for "medical legislation" (whatever that may mean) of $2,573.22. It can hardly be, however, that this represents all the money spent in furthering its legislative and political schemes, for the committee on legislation, of which Dr. C. A. L. Reed was chairman, in its report to the convention in 1905 stated:

"It has secured a list of local political leaders of every organized and recognized political party in the United States. The list already embraces the names of several political managers in each of 900 counties, the entire list aggregating in excess of 11,000 names. Through this list the central committee is in position to bring questions of pending legislation to the serious and thoughtful consideration of the men who, in their respective localities, exercise a preponderating influence in determining political action. * * * The political list is arranged so that the dominant politics of each county and of each congressional district is indicated, as well as the political affiliations of each member whose name appears on the list. It thus happens that we are able to move with a certain degree of accuracy in invoking political influence in behalf of such measures as are taken up by your committee. This list will be kept alive by asking for revisions from time to time, especially after each general election, and will, we are sure, prove to be an effective medium of action in the agitations which are pending in the immediate future."

In June, 1907, it was announced by Dr. Reed that the association had an emissary in each of the 2,830 counties of the country, and that the list of political leaders had been increased to 16,000, to whom circulars are sent, the purpose being, according to Dr. Reed, "to educate them on proposed or pending legislation in which the medical profession is interested." All of which shows that the American Medical Association leaders have not been idle and that they are not novices in politics.

If this kind of work is being kept up, it must certainly require more than the paltry sum specified in the Journal's report to sustain it.

Mr. President, the doctors in all their efforts to procure restrictive or prohibitive legislation of this kind, proceed upon the theory that they and they alone are competent to deal with questions of health, and that all other people claiming to heal disease are incompetents. Thus it is said by Dr. Henry O. Marcy, former president of the American Medical Association, in speaking of the opposition to this bill:

> It is the old cry of the incompetents who practice under various designations against legislation that will tend to bar them from practice and keep the practice in the hands of those who will not be a menace to the public health.

This is a very significant utterance. It assumes that all knowledge in health preservation and healing is in the old school practitioners, and that the purpose of this legislation is intended to bar everyone else. Here is another declaration of

a like kind. Dr. C. A. L. Reed, chairman of the legislative committee of the American Medical Association, has this to say:

> The principle that is involved is the same—that the man in possession of the technical knowledge which gives him a scientific comprehension of his subject and his problem should have the executive authority to enforce that knowledge and not be overridden by a man who has no such technical knowledge, and consequently no such comprehension of the importance of the subject.

And Prof. J. Pease Norton, of Yale University, in a speech before the American Association for the Advancement of Science, reprinted with approval in the journal of the American Medical Association, pointed out the extent to which the advocates of this kind of legislation proposed to go if Congress should permit it. He says:

> 1. It seems desirable that a United States national department of health should be established, having as its head a secretary, who shall be a member of the Executive Cabinet.
> 2. The purpose of the department should be to take all measures calculated, in the judgment of experts, to decrease deaths, to decrease sickness, and to increase physical and mental efficiency of citizens.
> 3. It should consist of the following bureaus:
> National bureau of infant hygiene.
> National bureau of education and schools.
> National bureau of sanitation.
> National bureau of pure food.
> National bureau of registration of physicians and surgeons.
> National bureau of registration of drugs, druggists, and drug manufacturers.
> National bureau of registration of institutions of public and private relief, correction, detention, and residence.
> National bureau of organic diseases.
> National bureau of quarantine.
> National bureau of health information.
> National bureau of immigration.
> National bureau of labor conditions.
> National bureau of research, requiring statistics.
> National bureau of research, requiring laboratories and equipment.

This is a pretty broad field that the National Government is expected to enter upon. It is almost without limit.

And when a measure similar to this was before Congress on a hearing before a Senate committee, Dr. Welch, formerly president of the same association, threw out this significant remark to the Senator from Utah [Mr. SMOOT]:

> I would simply like to throw out the suggestion that it may be that the Federal Government can exercise larger powers in this matter than is generally supposed to be the case.

These declarations show authoritatively and clearly what these gentlemen have in view as the final result of legislation of this character and the use they expect to make of it. It is an imposing and far-reaching scheme to bring the entire health activities under the control of this one school of medicine and by the power thus given them to influence and control indirectly, if not directly, the health activities of the several States. But one of the most radical declarations upon this important subject will be found in the magazine, Clinical Medicine, in the issue of April, 1911, as follows:

> The inhabitants of each community should be equally divided among the physicians, and these should have no expectation of poaching on their neighbors' preserves. If any increase in pay resulted from such acts they would soon cease. The proportion would be more equally approximated, and every member of the profession would have enough.

It is a grave menace to the liberties of the people in a matter of life and death. I wonder how far the Congress of the United States is willing to be made a party to such a scheme.

41917—10969

Mr. President, I have shown by the declaration of eminent physicians, either now or heretofore connected with the American Medical Association, what their purposes and intentions are in seeking this legislation, and what the people of this country may expect if the powers of the Government are thus given over to them. I want now to call the attention of the Senate to what some other equally distinguished gentlemen have said as to the purpose and effect of legislation of this kind. In an address delivered by Dr. G. Frank Lydston, of the medical department of the State University of Illinois, in speaking of the efforts of the doctors to procure such legislation as I have been calling attention to, he says:

> Despotism in medicine is not a theory, it is a condition, one that should alarm all save its direct beneficiaries. No physician can, with equanimity, survey the trend of affairs medical in America unless he has no interest in personal liberty. He has forgotten the high ideals of our medical forefathers. The more speciously masked self-interest is the more dangerous it becomes.

And this extract from the Pacific Coast Journal of Homeopathy:

> No citizen objects to Government supervision looking to sanitation, pure water, air, and food but what he finds next is in the invasion of the right and duty of a family physician and of his own personal liberty by health-board doctors. In short, he objects to health boards. He also objects to doctors, and if in private practice he would not call in one to invade his home, dictating medication to him, and imprisoning him if he refuses to submit. They say the national department would not do this. Well, the city and State departments are supposed not to do it, but they do it with an iron hand. The citizens do not want political doctors bossing therapeutics.

I call attention also to a word said by Herbert Spencer on this subject that is interesting and instructive:

> Moved as are the projectors of a railway, who, whilst secretly hoping for salaries, persuade themselves and others that the proposed railway will be beneficial to the public—moved, as all men are under such circumstances, by nine parts of self-interest gilt over with one part of philanthropy—surgeons and physicians are vigorously striving to erect a medical establishment akin to our religious one. Little do the public at large know how actively professional publications are agitating for State appointive overseers of the public health. There is an unmistakable wish to establish and organize a tax-supported class charged with the health of men's bodies as the clergy are charged with the health of their souls. And whoever has watched how institutions grow, how little by little a very innocent-looking infancy unfolds into a formidable maturity, with vested interests, political influence, and a strong instinct of self-preservation, will see that the germs here peeping forth are quite capable under favorable circumstances of developing into such an organization.

These are only samples of numerous declarations on this subject. Others might be cited, but time will not permit. The ones given are amply sufficient to show what is ahead of us in the strenuous and remarkable effort of an interested class to procure legislation that will immeasurably increase their power at the expense of the liberty of the whole people.

Mr. President, it is not only what they want that should lead us to consider their demands with the greatest caution. The means by which they propose to procure what they want is more reprehensible, and should condemn their whole effort as unreasonable, unjust, and tyrannical. They propose to enter into politics in its worst and most disgraceful form to force from Congress and State legislatures the laws they want. This is clearly shown by their own declarations and official acts. They show something more than this. It appears from

the declarations to which I am about to call attention that their claim that they are working unselfishly and in the interest of humanity is a mere pretense. They are working in the interest of themselves and no one else. Let me call the attention of the Senate to a few of the many expressions of this kind, showing conclusively the selfish motive behind this movement. The South Carolina Medical Journal states:

> We all know (or ought to know if we are old enough to practice medicine) that legislation is not accomplished in the effulgent sunlight of a noisy public, not on the hustings of a demagogic campaign meeting, nor even (where one might suppose) on the oratorical forum of the House of Representatives.
>
> It is conceived, laid, and hatched in political byways and hedges; around the corner on the dead quiet, with soft words and apt reasoning.

The president of the North Dakota State Medical Association, addressing the association, says:

> We are better equipped to pass sane and important legislation than any other body of men and to make ourselves felt in public matters, owing to our intimate relations, as family physicians and advisers, with the voters throughout the State.

Dr. Cornelius Williams, president of the Minnesota State Medical Association, in his presidential address at the forty-first annual meeting, October, 1909, as reported in the Journal of the American Medical Association November 20, 1909, said:

> I declare that it is only by a participation in politics that the physician may accomplish his whole mission, and that such participation is one of his highest duties. From the very nature of his position his duties place him in the rôle of police; he must suppress or regulate whatever is injurious to the peace, health, morality, general intelligence, and thrift of the community and its internal safety. Isolated in the sense that there is no concert of action, the medical man is a negligible quantity, as to any influence, either for good or bad legislation; but united into a guild of workers, the medical body would be a great power to determine the outcome of an election and to direct the measures of government.

Dr. Charles J. Whalen in the Illinois Medical Journal last September stated, among other things:

> Medicine as a means of livelihood has arrived at the most critical period of its history. The economic status and outlook for the profession is pitiable. A feeling exists among a large number of the profession that medicine should be represented more numerously than it is in the legislatures.

"We should have at least as many physicians as lawyers in Congress," says a recent correspondent in the Lancet-Clinic.

In its report two years ago the public-relations committee of the Chicago Medical Society said:

> The medical profession will never get what it is entitled to in the way of legislation until it wakes up and becomes a factor to be reckoned with politically. This can best be done by bringing the lawmakers to a realization of the tremendous influence of organized medicine and the votes they will lose if they do not give the profession respectful consideration.
>
> As an organization we should not only ask for what we want but should be in a position to demand it if necessary.
>
> In medicine, as in other forms of business, unification for mutual protection must be brought about. In organization lies our only hope.

From the Lancet-Clinic, of Cincinnati, for February 18, 1911, under the title "Organization gone mad," I take this:

> The American Medical Association is perhaps the best illustration of the effect of the organization furore. It has become to all intents and purposes a huge oligarchy. Its policies are directed by a few, who, ostensibly acting as the agents of the members, in reality take the initiative in every movement, assisted thereto by the constitution of the society itself. The spirit of democracy is as foreign to it as it is in

the realm of the Czar of all the Russias. It is the natural result of the modern trend of concentration, subordinating private judgment to the leaders' dictum.

We see the same result in the various State organizations. As in the national association, so in the State societies, the thoughts of the members are cribbed, cabined, and confined. If anyone so far forgets himself as to dissent from the established order, he is made to feel the sting of disapproval, until he is glad to hide himself and his views from the gaze of his associates.

The machine is well oiled and the steam roller runs smoothly. Members are extremely careful to avoid being run over. Hence, whatever is, is right.

At a meeting of the State Medical Association of Wisconsin held in June, 1911, and reported in the Wisconsin Medical Journal for the same month, Dr. A. R. Craig, assistant to the secretary of the American Medical Association, described the evolution of that body as follows:

The whole subject of the work of the organization has been to me a wonderfully interesting thing. In studying this subject I have been interested to find how few men really had a suspicion of what the possibilities of a real organization were. If you read the history of the American Medical Association, you will find that in the old days a delightful lot of gentlemen would meet together and promulgate and expound and resolve and adjourn; and in another year they would come together once more in a new field and again orate and expound and resolve and adjourn. So the American Medical Association went on for some 40 or 50 years of its growth. True, it was gathering new forms and new impetus and was doing something, but you could practically see nothing of the work that was accomplished except a pleasant time was had at each annual session. Then came that wonderful epoch in the association's life when things began to happen after a year or two, and the American Medical Association met once a year, but lived through the year. To-day, if you were to go to Chicago you would find on the corner of Dearborn and Indiana Avenue a 7-story structure with some 150 employees, your employees, working every day in the year to accomplish your ends under your delegated direction, to accomplish the purposes and ends of that organization. I would like to say that this organization will be completed and will be really effective when each State in its turn is organized in such a way that you do not meet for a week's session or a three or four days' session, but you meet as a board of bank directors might meet, to determine the policy of the machine which is to be effective throughout the year.

These various quotations show that it is not the public that is demanding this legislation, but a political machine, an oligarchy of a few doctors in control of the American Medical Association, and who have so far become intoxicated with their success as to forget discretion. As an illustration, let me quote to you the statement of Dr. Charles A. L. Reed in a speech delivered at Chicago and widely quoted in medical journals:

When a committee of the American Medical Association went to the Fifty-eighth Congress, their legislative committee said, "Can't you boil down what you have to say into 20 minutes?" There were in that Congress one doctor in the Senate and none in the House.

In the Fifty-ninth Congress there were three doctors in the House and one in the Senate. The doctors all over the country had been using their influence, so the committee said, "Just tell us what you want, gentlemen; take as much time as you like."

In the Sixtieth Congress there were five doctors, all told, and because of the same influence we simply went to the Willard Hotel and sent for Congressmen to come to us, and they came. * * * In the next Congress I have every reason to believe there will be 25 physicians.

WHY SHOULD CONGRESS INTRUST THEM WITH THIS GREAT POWER?

Mr. President, there is no complaint now of the inefficiency or lack of power or authority on the part of the various health bureaus now in existence and supported by the National Government. The Public Health and National Quarantine Bureau is given ample and sufficient power to deal with all such questions. No new legislation on the subject is necessary. Even the

bringing together of these various bureaus whose province it is to deal with public-health questions, attached as they are to different departments of the Government and performing different and varied functions affecting the departments to which they respectively belong, not only will not strengthen them but will result in confusion, conflicts of authority, and weakness.

But, Mr. President, I desire to go a little deeper than this into the wisdom and propriety of vesting in one school of medicine such unlimited power over the health, even the lives of the people of the country. What claims to superior knowledge and understanding have the old school or "regulars" in medicine that should induce Congress to give over to them this vast power over the public health?

I have no animosities against the doctors, individually or as a class. They have their work to do in the interest of mankind, and should be fully protected in their right to pursue that work. It is needed in the interest of mankind, because the great majority of the people still believe in the medical doctor and his drugs. So long as this is the case the physician of whatever school should be fully and amply protected in his right to administer what his patients believe in and want. This must be so in a free country like ours so long as there is a single individual who believes in and wants the services of a medical doctor. That is what I call medical freedom. On the other hand, they who do not believe in the efficacy of drugs or in the services of a medical practitioner, but who do believe in another and different remedy, should be accorded the same right, and that right should be jealously protected. That, too, is medical freedom. No one class of men who believe in one mode of healing as against all others have a right to force that method upon others who do not believe in it. That is tyranny and a violation of the liberties of the people.

Mr. President, I have no objection even to the American Medical Association, so long as it confines its efforts to the advancement of science as it sees it or for the elevation of the standard of the physicians of its school of medicine, or the advancement in any way of members of its own profession. I do not complain even of its attempt to benefit its own members by legislation. But I do object most seriously to the intolerant, tyrannical, and oppressive efforts it has been making for years to prevent other schools of medicine or the practitioners of other modes of healing from exercising their right to heal the sick. Its course in this respect has been un-American. It is an offense to free government. Its pretensions of superior knowledge on these great and vital subjects are unwarranted. I have already shown by the declaration of one of their own members that the "basis of the entire profession of medicine is faith in the doctor and his drugs and his methods."

If this be so, and it is abundantly supported by experience and competent authority, it would seem that the one important thing, the just thing for them to do, is to prove themselves and their modes of healing worthy of this faith. This must be done by their works. It can not be done by assailing and persecuting those who have lost faith in them and their drugs and transferred it to others.

41917—10969

Commissioner of pensions.

Laws and abstracts of laws relating to army and navy pensions, with official instructions, regulations, and forms, issued by the Commissioner of pensions. Washington, Government printing office, 1869.

2sla
Leland Stan.Lane 81a

of each other's experience. How many of the graduates, recent or early, of the Harvard Medical School have spent 24 hours of their lives in experimentally testing homeopathic remedies or seeing them tested? Probably not 10 in the whole Commonwealth. How many of my learned medical friends, who to-day are so freely denouncing mind-cure methods as an abominable superstition, have taken the pains to follow up the cases of some mind curer, one by one, so as to acquaint themselves with the results? I doubt if there be a single individual. Of such experience as that they say: "Give me ignorance rather than knowledge." And the club opinion of the Massachusetts Medical Society pats them on the head and backs them up. I don't blame any set of practitioners for remaining ignorant of all practice but their own. The subject is too overwhelmingly great. It takes an entire life to gain adequate experience of a few diseases and a few remedial methods. When a doctor notes what he considers good effects from his own practice, it is natural for him to let well enough alone and refrain from exploring unknown lines. Here, as elsewhere, individual success goes the better for a certain narrowness, which therefore is not wholly evil. But when ignorance and narrowness, instead of being humble, grow insolent and authoritative and ask for laws whose only immediate result can be to consecrate and perpetuate them, then I think that every citizen interested in the growth of a genuine complete medical science should rise up and protest.

I am here as such a citizen, having no axes to grind except the ax of truth; that "truth" for which Harvard University professes to exist. I count some of the medical advocates of this proposed law among my dearest friends, and well do I know how I shall stand in their eyes hereafter for standing to-day in my present position. But my duty is to the larger society, the Commonwealth. I can not look passively, and I must urge my point.

That point is this, that the Commonwealth of Massachusetts is not a medical body, has no right to a medical opinion, and should not dare to take sides in medical controversies. This safe neutral position the friends of the proposed legislation summon the Commonwealth immediately to give up. One would suppose that any act of sane persons interested in the growth of medical truth would rejoice if other persons were found willing to push out of their experiences in the mental-healing direction and provide a mass of material out of which the conditions and limits of such therapeutic methods at last become clear. One would suppose that our orthodox medical brethren might so rejoice, but instead of rejoicing they adopt the fiercely partisan attitude of a powerful trades union, demanding legislation against the competition of the "scabs." They summon the State to disregard absolutely all the peculiar conditions under which the mental-healing operations flourish to-day, and say to the mind curers, "Pass our State examinations or go to our State's prison." Abstractly it sounds magnificent to say that our State protects its citizens against the ignorance of practitioners. In the living concreteness of the matter, however, not only is such a claim an utter farce, but in this particular business of mental healing there can be no doubt that if the proposed law were really enforced it would stamp out and arrest the acquisition of one large branch of medical experience. What the real interests of medicine require is that mental therapeutics should not be stamped out, but studied, and its law ascertained. For that the mind curers must at least be suffered to make their experiments. If they can not interpret their results aright, why then let the orthodox M. D.'s follow up their facts and study and interpret them. But to force the mind curers to a State examination is to kill the experiments outright.

The mind curers and their public return the scorn of the regular profession with an equal scorn and will never come up for the examination. Their movement is a religious or quasi religious movement; personality is one condition of success there, and impressions and intuitions seem to accomplish more than chemical, anatomical, or physiological information.

These are the facts, gentlemen. You, as legislators, are not bound either to affirm or deny them yourselves, either to deplore them or rejoice at them, or in any way to judge them from a medical point of view, but simply, after ascertaining that thousands of intelligent citizens believe in them, decide whether to legislate or not. Do you feel called on, do you dare, to thrust the coarse machinery of criminal law into these vital mysteries, into these personal relations of doctor and patient, into these infinitely subtle operations of nature, and enact that a whole department of medical investigation (for such it is), together with the special conditions of freedom under which it flourishes, must cease to be?

I venture to say that you dare not, gentlemen, you dare not convert the laws of this Commonwealth into obstacles to the acquisition of truth. You dare not do it, gentlemen—and yet that is what you are asked to do exactly if you pass this bill.

Pray do not fail, Mr. Chairman, to catch my point. You are not to ask yourself whether these mind curers do really achieve the successes that are claimed. It is enough for you, as legislators, to ascertain that a large number of our citizens, persons as intelligent and well educated as yourself or I, persons whose number seems daily to increase, are convinced that they do achieve them, are persuaded that a valuable new department of medical experience is by them opening up. Here is a purely medical question, regarding which our general court, not being a wellspring and source of medical virtue, not having any private test of therapeutic truth, must remain strictly neutral under penalty of making the confusion worse.

In the matter of pharmacy, in the matter of such an art as plumbing, the legislature may impose examination and grant license without harm. The facts are here ultra simple in comparison, and no differences whatever of conscientious opinion among the experts as to what is right. But this case of medical practice is absolutely different. It is the confusion, the deplorable imperfection of the most expert knowledge, and the conscientious divergencies of opinion, the infinite complication of the phenomena, and the varying and mutually exclusive fields of experience that are the very essence of the case.

I know well what those friends of mine of the Massachusetts Medical Society, who would presume to act as your advisers, will think. Having worked as hard and as conscientiously as they have worked to acquire the wisdom they possess, they will think it little less than treason in a person academically brought up to depreciate publicly as I do the results of all those labors. They certainly thought it a gross insult when I compared their noble desire to purge the State of quackery to the greediness of a trades union asking for legislative protection against scabs. Well, I hate to appear in my brothers' eyes as a traitor to a cause which for them is identical with that of science and education, and for which they will burn with so holy a zeal, for my cause is that of science and education, too. Heaven forbid that I should make light of the glorious achievements of modern surgery. Taking one sort of education with another, a medical education is, on the whole, as broadening and deepening an education as I know.

And if some fatality were laid on us whereby one type of practitioners must perforce be singled out for license and all other types stamped out, I should unhesitatingly vote to license the Harvard Medical School type, for it lies in the spirit of science to correct its own mistakes in the end, and I should hope that little by little, though with infinite slowness, many of the things well known outside of the medical schools, but not known there at present, might possibly be rediscovered by one adventurous spirit or another inside, and finally accrete with the final body of doctrine. Even the mind-cure methods might eventually be resurrected in this way. But, thank heaven, no such fatal necessity of giving exclusive license to one type of mind now weighs upon this legislature. Our State needs the assistance of every type of mind, academic and nonacademic, of which she possesses specimens. There are none too many of them, for to no one of them can the whole truth be revealed. Each is necessarily partly perceptive and partly blind. Even the very best type is partly blind. There are methods which it can not bring itself to use.

The blindness of a type of mind is not diminished when those who have it band themselves together in a corporate profession. By just as much as they hold each other to be thorough and conscientious there, by just so much along the other lines do they not only permit but even compel each other to be shallow. When I was a medical student I feel sure that any one of us would have been ashamed to be caught looking into a homeopathic book by a professor. We had to sneer at homeopathy by word of command. Such was the school opinion at that time, and I imagine the similar encouragements to superficiality in various directions exist in the medical schools of to-day.

Now, as to calling the Massachusetts Medical Society a trades union trying to influence legislation against scabs, I can hardly imagine any member of the society affirming that in the movement for the present bill trades-union motives are totally absent. Take a struggling practitioner, young or old, in a small place. He has spent years of life and thousands of dollars in fitting himself for his work. Conscientious and self-sacrificing to the last degree, he deserves some acknowledgment and reward. What can his feelings be when he sees the faith curer alongside and the metaphysical healer opposite, with no education, with no sacrifices, with nothing but what to him seems their silly

optimism and preposterous conceit, stealing patients from him by the dozen? He can feel nothing but righteous indignation; and when he tells the tale to his colleagues, their blood boils like his. The State owes some protection to us who have done right, they say. And the medical politicians who run the society's affairs, however great their disinterested zeal for the public health may be—and I am the last to deny that—assuredly are not altogether forgetful of this other aspect of the case. The trades-union instinct has to be strong in every professional society. There are always some members who, if they had power, would put down heresy like Spanish inquisitors, and there are times when such members may come to the top.

Pray, remember all these facts, gentlemen of the committee, in listening to your advisers on the opposite side. Whatever you do, you are bound not to obstruct the growth of truth by the freest gathering in of the most various experiences. I urge that the best way to do that is to say "hands off," and let the present law, which is abstractly a good one, and only four years old, alone.

The hinge of my whole contention, you see, is that in strictly medical quarrels the State has no right to interfere. I know there are other aspects of this bill with which every decent man must sympathize. The flood of quackery and medical ignorance about us is sickening to think of. One's first impulse is to get up and scream, saying: "Why is there not a law to stop it?" One's heart bleeds, one's fingers itch at the persistent impunity. But so it is with the vileness of our newspapers, with their medical advertisements and other filth, so it is with the rottenness of much of our public life. Yet laws can not reach such symptoms. Heine said: "Every nation has the Jews it deserves." Certainly every nation has the newspapers and the politicians it deserves. And it has the medical practice it deserves. A people that loves quacks will have them, laws or no laws. Instead of crying for legal protection, the medical profession ought to educate the people better. They must remember that the aversion which they find in the public and from which they suffer, has historic roots. The history of medicine is a really hideous history, comparable only with that of priestcraft—ignorance clad in authority and riding over men's bodies and souls. Let modern medicine dispel all those inherited prejudices by living the historic memories down. It may well be questioned whether a régime of license and monopoly will tend to hasten that even as much as one of freedom and conciliation.

Above all things, Mr. Chairman, let us not be infected with the Gaelic spirit of regulation and reglementation for their own abstract sakes. Let us not grow hysterical about lawmaking. Let us not fall in love with enactments and penalties because they are so logical and sound so pretty and look so nice on paper. Let us cultivate a robust Anglo-Saxon spirit of insensibility and tolerance, toughening ourselves manfully to the sight of much that we abhor, and of still more that we can but imperfectly understand. The death rate is not rising, in spite of all quackery. That shows that we are not in any crisis of danger, and surely justifies you in letting well enough alone.

Mr. President, the broad-minded view thus taken of this question by one who has been educated in a medical school, and whose sympathies were clearly with that school of healing, makes one think better of his country. It is a bright light shining out of the darkness of intolerance and bigotry.

The bill was defeated in Massachusetts, much to the credit of the State. The effort to secure its passage was attempted again this year, as it has been every year for several years past, but the effort signally failed. It is said, whether truthfully or not I do not know, that Prof. James was reprimanded by the then president of Harvard University for his utterances on this occasion and cautioned against repeating them, the reason given being that it was a direct reflection on the Harvard Medical School.

The estimation in which medical healing is held is indicated by the following editorial from the San Francisco Call:

Medical, hygienic, and therapeutic freedom will supply the subjects for consideration at the conference of the northern California branch of the League of Medical Freedom, which meets in this city on Thursday. The league represents a movement that stands for liberty and freedom from the dictation of this or that school of medicine. It is

constitutionally and radically opposed to setting up an official orthodoxy in the practice of medicine. It is opposed to the movement that would place in the hands of one school an artificially created authority to enforce its doctrines, practices, and beliefs on an unwilling public.

If medicine were an exact science there might be some apology for the legal enforcement of orthodox practices, but this is notoriously not the case. "Doctors differ" as much and as widely to-day as they did a hundred years ago. For example, the believers in Christian Science are legion and, although they are not medically orthodox, we know, everybody knows, that they have accomplished valuable and even marvelous results. The movement formulated in the Owen bill, now pending before Congress, for the creation of a national health department, is intended primarily to set up a medical orthodoxy invested with power, if not to prohibit, at least to hamper, practitioners and patients who do not hold the tenets of a regular school.

There are a dozen differing schools of medicine, and one of these seeks a monopoly created by law and invested with authority to make things unpleasant for all whom they regard as medical heretics.

Mr. President, it is not only that the practice of medicine is not a science and is uncertain and unreliable, but the political and tyrannical methods used by the doctors in attempting to force through objectionable and oppressive laws are subversive of liberty. The following, from the Columbus Medical Journal, shows how the people regard such methods:

MEDICAL GRAFT OPPOSED.

The doctors have a bill before the legislature in the State of California which, if passed, will give them complete control of the public schools and reduce our school children to a medical tyranny that could not be duplicated anywhere on earth. The following is an account of it, taken from one of the California papers:

"A bill in the legislature, drawn by Prof. Leslie, a public-school teacher of Los Angeles, is being fought by the National League for Medical Freedom. It is urged by the allopathic, or regular, doctors.

"The bill provides for the establishment in the public schools of California of 'health and development supervision.' Practically this means, as elaborated in the bill, the hiring by the State of hundreds of doctors, dentists, nurses, experts in all the various branches of mental and physical upbuilding, at a cost of hundreds of thousands of dollars a year. These doctors would examine and treat pupils free.

"Besides the work of these medical men in the schools, Prof. Leslie adds: 'An effective follow-up service, which shall bring about effective cooperation between parents, teachers, and school authorities in meeting the demands of health, growth, and efficiency of pupils, students, and teachers; said follow-up service shall be conducted by examining staffs, assisted by trained nurses and social-service workers.'

"The bill puts all this under the direction of a State director of health and development at $4,000 a year. Assisting him would be an immense staff of physicians and all the adjuncts of hospitals, laboratories, gymnasiums, etc.

"With county medical directors, as planned, there might be 58 of those doctors alone. The possibilities for graft under the bill are tremendous. The University of California is designed to furnish the main supply of experts for the work. As its medical schools are both allopathic, it is readily seen that the bill plays into the hands of the Medical Trust, now firmly rooted in California, and would furnish it a new and magnificent field of operation and profit.

"It goes without saying that no regular physician would appoint or work with others of differing schools. The bitterness of the opposing factions in the curative sciences is intense. Leslie, the author of the bill, who has been here for weeks pushing it, is a humanitarian, apparently without guile, but his measure is believed by legislators who have examined it perfectly fitted to make a powerful politico-medical machine which would run schools, pupils, and parents for the benefit of the allopaths.

"The allopaths maintain a lobby here right along. Besides, through their influence as family physicians to a majority of the more prosperous citizens of the State, they have decided influence with the heads of these families throughout California. All this influence is being used, except by those allopathic doctors who see the evil of the bill.

"The National League for Medical Freedom is against the measure. This league is composed of members of all the other schools of medicine, surgery, etc., other than the allopathic. The homeopaths, osteopaths, naturopaths, eclectics, Christian Scientists, and others think the bill iniquitous.

"The objections of the league are stated briefly:

"There is no necessity for such a bill. It is un-American, tyrannical, and abridges individual liberty.

"It opens up possibilities of looting the State treasury and increasing taxation through the employment of an army of physicians and experts and the establishment of numerous special schools.

"It opens a way for one school of medicine to obtain a medical monopoly and give them a strangle hold on the public schools which could not be shaken off in years.

"The league says that the enactment of the bill into law would be the beginning of medical slavery and State medicine. A fine and imprisonment is to punish State employees who fail to carry out the provisions of the bill."

"The bill was introduced into the assembly by Assemblyman Cattell, of Los Angeles. The allopathic physicians of California, through the State Medical Association and its agents here, are determined to get it through."

Fortunately for the good name of California, this iniquitous bill was defeated.

Following is another account of how they do it in Illinois:

[Copy of a letter circulated in Illinois.]

CHICAGO MEDICAL SOCIETY (ORGANIZED 1852),
SECRETARY'S AND TREASURER'S OFFICES,
September 6, 1910.

Dr. E. LANDUS, *Chicago, Ill.*

DEAR DOCTOR: In the primaries of the respective political parties to be held September 15, the following candidates are deserving of consideration at the hands of the medical profession residing in the twenty-fifth senatorial district: Messrs. Crocker, Waage, Freund, and Olson, each having agreed, if elected, to support the medical profession and the public in the forty-seventh general assembly in their effort to prevent the passage of any vicious medical legislation.

At the last session of the legislature your Representative Breidt voted "Yes" for senate bill 214 (osteopathic), but did not vote on senate bill 351, which was in substance the same as No. 214. As no organized effort was made to prevent the enactment of No. 214 until after its passage in the senate, and the fact that senators voting for the bill in many cases did so under the impression that the bill met with approval of the medical profession, we therefore feel that no effort should be made to punish anybody for voting yes on 214, but with 351 the situation is different. They should be held strictly accountable for voting yes on No. 351.

Mr. Hulzee voted "No" on 214; was absent or not voting on 351. Deserving of your condemnation politically is Charles L. Fieldstack, who voted "Yes" on No. 214, and, in spite of the missionary work that was done and the pressure brought to bear from his physician constituents, he repeated the dosage by voting "Yes" on 351, and he should be held strictly accountable for so voting, as both were vicious measures granting special privileges to certain cults who desired to enter the practice by a short and easy route—medicine. It is incumbent upon the physicians in the twenty-fifth senatorial district to see that Mr. Fieldstack is eliminated politically on September 15.

Every family in the twenty-fifth senatorial district is attended by some member of our profession. Our power is great if we make a concerted move. It is up to you to do your part. Will you do it? Let us hear from you.

Fraternally, yours,

ALEXANDER H. FERGUSON, M. D., Chicago,
President.
ALFRED C. COTTON, M. D., Chicago,
President.
GEO. F. SUKER, M. D., Chicago,
Secretary.
EDMUND W. WEIS, M. D., Ottawa,
Secretary.
J. V. FOWLER, M. D., Chicago.
J. M. LANIN, M. D., Chicago,
Chairman.
M. S. MARCY, M. D., Peoria,
CHAS. J. WHALEN, M. D., Chicago,
Chairman.

Public Relations Committee of Chicago Medical Society,
Committee on Medical Legislation,
Illinois State Medical Society.

41917—10969

N. B.—Most voters have no special choice and few will refuse their family doctor. Get busy. There is another point you want to remember: If you happen to be of opposite political faith, it is no reason that you have not 50 or 100 friends that you can see who are of the same political faith as the candidate. Don't forget the "personal favor." We ask you to see 50 or 100 friends that are voters. Do you realise what this means? Eleven thousand physicians in Illinois seeing the number indicated would amount to the following: Eleven thousand times 50 equals 550,000 voters. This means victory, something that each individual physician should feel proud of. Talk it over with your brother practitioners and clients.

I submit another newspaper item from Medical Freedom, taken from the New Orleans Times-News. It shows such pernicious activity and indecent haste to secure the appointment of a public official who would be friendly to the legislation the doctors were seeking as to excite just indignation, and the extent to which they propose to go in the effort to procure favorable action by Congress:

TO SUCCEED WYMAN—AMERICAN MEDICAL ASSOCIATION SAYS SELECTION OF DR. WHYTE, OF NEW ORLEANS, WILL INSURE DEPARTMENT OF HEALTH—DR. M'CORMACK, POLITICAL MASTER OF THE A. M. A., STARTED HIS MACHINE WORKING BEFORE GEN. WYMAN'S FUNERAL DATE HAD BEEN SET.

It has been no secret that the A. M. A. opposed the late Walter Wyman, Surgeon General of the United States. Its members made many demands for his retirement because he did not use his office to lobby for their pet measure—the National Department of Health. The following item from the New Orleans Times-News bureau naively tells a story of political selfishness, haste, and bad taste that would be almost incredible if it emanated from elsewhere than the "political doctors."

The item reads: "A boom has been launched, having for its object the landing of Dr. J. H. Whyte, head of the United States Marine-Hospital Service at New Orleans, for the vacancy as Surgeon General, caused by the recent death of Dr. Walter Wyman. The effort comes from Bowling Green, Ky., and the Louisiana State Board of Health was apprised of it in a letter received from Dr. Joseph McCormack, of that place, and a member of the council of health and public instruction of the American Medical Association, which booms Dr. Whyte for the place enthusiastically.

"The following is the text of the letter sent Dr. Oscar Dowling, president of the State board of health, New Orleans, La.:

"'DEAR DOCTOR: Am just in receipt of a telegram announcing the death of Gen. Wyman. Am writing to know if you will at once bring every influence to bear on President Taft, through your Senators, Representatives, and others, to have Dr. Joseph H. Whyte, of New Orleans, appointed as Surgeon General. He is one of the strongest men in the service, has always been an active advocate of the National Department of Health, and his appointment almost assures its creation.

"'Trusting in your full cooperation, and asking to hear from you, I am,

"'Cordially, yours, J. H. McCORMACK, M. D.'"

I have no doubt that Dr. Whyte is a very worthy man and would have made a good Surgeon General, but it is fortunate that he was not appointed with such influences behind him. It is quite likely that his support defeated him, for the President knew of this letter before the appointment was made, and the President is a just man possessed of a high sense of decency and the proprieties.

COLLECTION AND DISSEMINATION OF INFORMATION.

The bill provides:

That it shall be the duty of the bureau of health to collect and disseminate information relating to the public health.

This is one of the most deadly provisions in the bill. This Government is now spending hundreds of thousands of dollars to send broadcast the details of sickness, disease, and suffering. It is by this means planting the seeds of disease and killing more innocent and unsuspecting people than drugs ever saved.

The people are being taught to think of sickness, disease, and death when they should be thinking of health and life. Doctors are traveling all over the country describing the symptoms and causes of tuberculosis and other life-destroying diseases, not only to grown men and women, but to school children. They describe the so-called disease germs or microbes and their effects on the body, and picture, by word of mouth and by charts, illustrated lectures, and moving pictures, the ravages of the disease. These horrifying and gruesome pictures and senseless and inhuman details of the causes and ravages of disease excite the very fear that breeds and fosters disease. These lectures are given in the schools and innocent children are made their victims. Instead of being encouraged it should be made a crime.

I have a letter written by a lady to the League for Medical Freedom calling attention to one case of this kind. Fortunately the chief offender in this case was not a doctor. He was the representative of the Antituberculosis Society. But the incomprehensible thing about it is that the teachers and officers of the public schools in an enlightened community should allow such an outrage to be committed. The letter is as follows:

Inclosed please find a few clippings that may be of interest to you. Mr. Dee Brown—he is not a doctor of medicine, but of philosophy—is being paid by the Anti-Tuberculosis Society to come here and enter on a campaign of a month to address all the schools in the city and educate them along the lines of symptoms and their results of this disease. They started in on Friday, and it happened that they went to the grade schools on the west side—that is, those that are in the section we call the Union School—by noon they reached the Union High and assembled the high-school children in one of the rooms. He went into the minutest detail of the symptoms of this disease, and told them that they might have the disease and not know it; that many times the tissues of the lungs were so badly gone before the patient knew that he had the disease that there was no help for him. He said sometimes you may have a tired feeling in the morning; this is one of the marked symptoms. You may have a flush on your cheeks, and not know this is one of the worst symptoms, and he went on down the line. He filled the children so full of fear that one beautiful tall girl fell in a dead faint on the hard floor, striking on her temple, and they were obliged to call a carriage and send her home, and when one of the teachers called at the home Saturday afternoon she had not regained consciousness enough to realize what had happened to her. She is still under a doctor's care, with a very bad black eye and face. Two other girls were helped out of the room and one or two others braced up by the teachers, and the boys fairly turned pale.

Everybody supposed, of course, he was a physician, and they could not understand his unprofessional way of presenting his subject to these children. They teach these children to have implicit confidence in what they teach them, and, of course, their thought is receptive. After the talk the children stood around in groups and expressed themselves as being very much disturbed because they were obliged to listen to such stuff, and a number of them went to the teachers afterwards and asked why they were obliged to listen to it.

Monday morning he went to the Central High, and his talk was the first hour. They locked the session doors and compelled all the children to enter the general assembly hall.

Saturday, Sunday, and Monday we got busy on this work, and did all we could to have the lecture toned down and the worst part eliminated, but now we are setting about to have the entire lecture course eliminated. We have appealed to the parents of our city, as many as we can reach over the phone, and asked them to send in protests to the board of education. Last evening was the regular monthly meeting of the board, and a few went up to the meeting and personally protested, which resulted in a committee of three being appointed to investigate the matter and hear some of his lectures. I do not think he will dare to give again the talk that he gave to the Union High children.

This man has just finished a campaign in Wisconsin, covering the State completely, and he has now entered Michigan to do the same thing. I am going into detail, thinking it may be of some help to you with the work in the State, and if Detroit has planned for a similar campaign you will be better prepared to head it off.

41917—10969

We had a talk with the girl's attending physician and he said it was outrageous. Such talk should never be allowed in even one instance, etc. He gave us the privilege of using his name, but, as he has stated, he is not an agitator and he is not one to stir things up much.

I hope you will advertise this, for it needs all the publicity we can give it. Mr. Weston is writing an article for us this week and we are going to send out 500 of them to the parents of school children. We have a meeting of the executive committee of the league this afternoon and we will plan something in the way of a protest. We are doing all we can to have it eliminated from the schools, and if they want to give such talks to give them to the adults.

With best wishes to all,

Sincerely,

FRANCES W. SPEARMAN.

Mr. President, see how this idea grows. Here is another enlightened guardian of the public health proposing to educate children in the knowledge of disease by introducing moving pictures of the ravages of tuberculosis and disease germs. He got the idea from a young girl who had learned to "describe the formation and construction of tuberculosis bacillus to a surprising degree," he says. And she got this gruesome information from illustrated lectures in Carnegie Hall, in New York. Here is the account given of it by the Memphis Press:

As to the paths to be pursued before this term end by public-school children in search of facts pertaining to health welfare, it is probable that "a child shall lead them." For it was a child's knowledge of things beyond the ken of physiology textbooks in the public school which set Dr. M. Goltman, city health officer, to thinking out a plan for furthering the knowledge of school children in the matter of health.

As a result lectures on health subjects illustrated by moving pictures, will sooner or later become a feature of public-school instruction. This will follow the advent of more school inspectors, which Dr. Goltman is now striving to have added to the present force.

"I got my idea from conversation with my 13-year-old niece in the East," said Dr. Goltman. "She was able to describe the formation and construction of tuberculosis bacillus to a surprising degree, and she knew other things a growing child should know, and knew them in the right way. I was astonished, and asked if she learned those things in school. She said no; that she attended illustrated lectures at Carnegie Hall and like places, because she was interested. Those places are open to those who care to attend in New York, but I thought to myself, 'Why not build up a course of study and instruction in the public schools along those lines?' And if I have my say, Memphis will have the most regular system in its public schools of health and hygiene with the aid of moving pictures, thus giving New York one better in its estimable work."

One would think this fearful end on the health and lives of the children might stop there. But the doctors seem to be vieing with each other in efforts to disease the minds of innocent children and ignorant adults. At the sixty-fifth annual meeting of the Ohio State Medical Association Dr. C. C. Probst, of Columbus, in an address on "The protection of child life," said:

More progress would be made if no further effort were made to "keep the dogs off the grass" but attention should be devoted to the training of the school children in hygiene and sanitation and physical education. This would mean a new era in school life—a school physician. It would mean school supervisors, and school inspection.

And at the sixty-first annual meeting of the American Medical Association, at St. Louis, June, 1910, the use of the theater as a means of conveying information about disease and disease germs was recommended. Dr. Marcus P. Ravenal, of Madison, Wis., had this to say on the subject:

In regard to the use of the theater for instructing the public along the lines of preventive medicine, may I tell you what we have done in Wisconsin? Many of you have probably seen notices in the newspapers [illegible]

papers of the play "In Germland." This was given by the young ladies taking work in the department of bacteriology and hygiene at the University of Wisconsin. The characters were all dressed in costumes representing as nearly as possible various germs as we see them in stained preparations, both the useful and the harmful germs being represented. No charge was made for admission, cards of invitation being issued. It was given as a department matter for our own entertainment and instruction, yet the demand for admission from outside taxed the resources of our hall to the utmost, and throughout the country the greatest interest was excited.

Our stage scenery was made as instructive as possible. We showed dirty roller towels on the wall, spittoons, garbage cans marked "No. 23," the common drinking cup, the common sponge, the feather duster, the broom—emphasizing as much as possible the bad features of such things. We had a large rat trap containing the rats which the women have been wearing in their hair so much of late. A garbage barrel filled with broken bottles and tin cans was called the "Germ-ania Theater," and the play announced was "The Place, the Man, and the Germ."

These things as we presented them were quite amusing. They catch the popular eye and at the same time give a great amount of instruction to those who have never thought on such matters before. This play is being revised and improved, and during the coming year is to be put on the stage by professionals. I am sure this sort of work will do an enormous amount of good in educating the public.

But the height of cruelty and folly seems to have been reached by the Kansas State Board of Health. It has published a "health almanac." In its number of December, 1911, the board assumes to let the people know what diseases they may look forward to each month in the year. It opens with a repulsive picture of a woman cruelly pitted with smallpox, with the statement under it, "Never vaccinated." But this is not really the worst of it. They take a page of their so-called almanac for a disease with the following headings: "January for smallpox, February for pneumonia, March for measles, April for whooping cough, May for good wells and good water," with the cheering statement for May that—

Bad or impure water is more dangerous than the deadliest poison and always affects those who drink it. Wells are polluted by organic matter getting into them. This matter comes from human beings or from animals and is always bad for those who drink it. If it comes from a case of typhoid or from a person who carries typhoid germs and gets into the well it will produce typhoid fever in those who drink it.

June for infants' complaints, July for flies and mosquitoes, August for typhoid fever, September for diphtheria, October for scarlet fever, November for colds and influenza, and December for consumption.

These doctors, if they are worthy of the name, know that two great causes of disease are fear and suggestion and that suggestion is the prolific cause of fear, disease, and death. And yet they deliberately send out broadcast, at public expense, a suggestion—probably a false one, but that makes no difference—that in each month of the year a specific and deadly disease may be expected and feared. It is the refinement of cruelty and the depth of ignorance in a matter of life and death if it is not malicious. This persistent suggestion of disease and its alleged causes is creating more disease and sacrificing more lives than are all the germs that have been discovered or imagined by man.

Mr. President, I said a moment ago that I thought the height of cruelty and folly had been reached by the State board of health of Kansas, but I have discovered something even worse

than that. What is called "A circular for school children" has been distributed in some of the schools of this country that seems to me to go further in the way of spreading improper information than anything I have yet seen. It pictures a small boy examining disease germs through a microscope. The circular says:

> Then there are so many bad fairies which cause disease. Different kinds of them cause different diseases. * * * These little fairies are called bacteria or germs and are the smallest of all living things. They are found everywhere—in the air, the soil, the water, in our bodies. A quart of well water would contain a million of them.

Then follow illustrations of the different kinds of deadly disease germs with a statement under each group of the diseases they cause. Then the circular undertakes, by illustration, to show how the germs of tuberculosis are carried. The point of a pencil is pictured, covered with such germs as come from the mouth of the victim, and the picture of a fly is set out with its legs loaded with disease germs. A picture of a sick man in his invalid chair is given, with children taking some of his food from a spoon, with the statement under it: "The germs that attack us come from the bodies of the sick." Other pictures of the means by which disease is conveyed are given.

An emaciated consumptive, apparently in the last stage of the disease, is pictured as spitting upon the floor, and a woman sweeping up the sputum after it has dried. A little child is pictured as sitting near by, with the statement under this picture, "The germs may enter the bodies of children playing on the floor." Two persons are pictured as sitting at a table, one of them a consumptive, with the statement below it, "Others may get the disease by breathing"; and still another case, a small boy, emaciated by the disease, taking a bite of something, with two healthy-looking little fellows standing by, saying, "Give us a bite," with the statement under this picture, "Putting food, money, pencils, etc., into the mouth after a consumptive has poisoned them with his spit."

Now, Mr. President, I can not conceive of anything more cruel and inhuman than the loading of the minds of little children with such information as this. Physical ill treatment or abuse can not be compared to it, and yet I find the superintendents and teachers of the schools and boards of education not only permitting this sort of literature to go into the schools but actually encouraging it. They may be partially excused by their apparent ignorance of the palpable consequences of such impressions upon the minds of the young, because like a good many other people in this country they do not think for themselves or try to understand the effects of such suggestions as this circular contains, but accept it because the doctors approve it. I am sorry to bring to even the attention of the United States Senate such brutal and inhuman suggestions; and when one thinks of filling the minds of children with this kind of stuff, it is nothing less than horrifying.

Fortunately, some public officials, not doctors, are humane and sensible enough to attempt to stay this fearful filling of the minds of children with these hideous details of disease. The mayor of San Francisco, Cal., is one of these. I submit

for the consideration of the Senate an editorial in the San Francisco Star of February 12, 1912:

A WORD FOR THE MICROBES.

Here are recent words of Mayor Rolph that are commended to your consideration:

"I think you should go slow about the methods of eradicating tuberculosis. I hear so many mothers in the mission say that this tuberculosis scare has been so driven into the minds of their children that they come home saying they are filled with aches and pains, and have backaches and stomach aches and one thing and another. I heard this discussed last night, and that germs of every human ill have been shown on magic-lantern slides—pictures that make children get the idea that their bodies are covered with germs. I do think that you ought to be very careful to first study out well the effect of all this and prevent what is evidently intended to make children think they are filled with all kinds of diseases, when you know, as a matter of fact, they are not, and that what you are really trying to do is only to prevent disease."

Amen. Also hallelujah and God save us. The mayor is right. A child may be scared into sickness as well as safeguarded against it. We have overworked the microbes, poor things. They are good, bad, and indifferent, but no matter how irreproachable their character our children have been indirectly inoculated with the idea that they should be regarded as malefactors and goblins.

The fact is that man has slowly educated himself up to the point where he is scared to death by death. This is why 10,000 fads of healing bud and blossom in our midst. I remember very well when a stomach ache was cured by Jamaica ginger and a mustard plaster. Now the chances are that nothing but removing the vermiform appendix will do the business; after that, if one has a stomach ache he may try the old remedies.

Again, the mayor is right. We show our kids pictures in which human flesh is portrayed as the grazing ground of all sorts of apparent antediluvian monsters. What wonder if the half-formed minds of the children get the idea that there is not much hope for them; if they are "filled with aches and pains and have backaches and stomach aches"? Deuce take it! how can they expect anything else with megatheriums and other bacilli at work?

The Ohio State Journal in its issue of November 27, 1911, contained this sensible editorial on this subject:

THINKING HEALTH.

We find this very suggestive paragraph in a book entitled "Philosophy of Self-Help":

"The most prevalent and the most dangerous of all forms of infection is mental. It is far easier to get bacteria out of the body than to eradicate disease germs from the mind once they get in. Thinking and talking about disease prepare the mental soil for its reception. Fear and expectancy promote its growth."

We apply this thought to medical inspection of schools, which tends to fill the minds of the children with thoughts of disease. It is entirely uneducational to do so. It is the easiest thing in the world to transfer an ailment of the body into a disease of the mind, and when that becomes a child's condition, he goes through the schools carrying a heavy load. And that condition of the mind tends to promote disease. One disturbs the free activity of the mind by turning it in on physical ills.

The best hope of health is to think health, and that suggests the sort of education a child is entitled to. It will be a hard matter for even a well child to grow grand and good out of a consciousness of surrounding physical ills.

Mr. President, the doctors are using every means possible to get themselves into the schools. They are trying to teach unthinking people that this is necessary to the public health. What a dreadful mistake! The presence of the doctor who thinks nothing and talks nothing but disease, is full of fear of microbes and the thousands of causes of disease that had better never have been known, is little better than a death's head in

the subject. Parents have started to teach the children that germs are powerful, but even that we take disease by thinking it and that we are making it better and happier things than the material things of disease. This will never be a healthy Nation until the people are freed entirely from this dreadful, all-controlling fear of disease. Men and women burdened with all these false beliefs and fears are slaves to their wrong view of life.

Mr. President, this information outrages on young children and the spread of disease through suggestion and fear has grown worse and worse. And now the Government is to be asked to become a party to this spreading of disease by collecting and disseminating the information for the whole country to read. What a fearful responsibility must rest upon the people who are disseminating such information.

Every living worthy of the name knows that fear is one of the most powerful causes of disease. He knows, too, that suggestion of disease is also a powerful in its effects, especially on the mind that fears. And yet, with full knowledge of this, they set about in the most direct and forceful way to suggest the existence and presence of the very diseases they claim to be preventing and to implant in the minds of the old and young the fear that engenders the disease. If the evidence of this crime were not so direct and positive it would be beyond belief. A very interesting article on the effects of fear, by Dr. Orison Swett Marden, was published in the Philadelphia Evening Bulletin February 14, 1910, and is worthy of the attention of the Senate. It is as follows:

Fear in all its different phases of expression, such as worry, anxiety, stage fright, timidity, is the greatest enemy of the human race. It has robbed man of more happiness and efficiency, has made more men cowards, more pessimists, more dismal failures, more miserable, than anything else.

Fear has a depressing, suffering influence upon the whole being. It impoverishes the blood and destroys health by impairing the digestion, cutting off nutrition, and lowering the physical and mental vitality. It enslaves hope, is cruel, and so enfeebles the mind's action that it can not create or produce.

Many people are afraid of nearly everything. They are afraid of a draft, afraid of getting chilled or taking cold, afraid to eat what they want, afraid of business matters for fear of losing their money, afraid of public opinion. They have a perfect horror of what Mrs. Grundy thinks. They are afraid they are going to be afraid of poverty, afraid of failure, afraid the times are going to be afraid of hurricanes and tornadoes. Their whole lives are filled with fear, fear, fear.

* * * * * * *

Fear sometimes unbalances during sickness or kills temporarily and weakens all the mental processes. Great ideas are born under a sense of fear of some impending danger. All work done when one is suffering from a sense of fear is crippling in its true efficiency. Fear always hinders wholeness, the freedom of expression. What a stranglehold it holds, what a succession of hopelessness and confusions, what a number of crimes this monster has been.

One of the worst forms of fear is that of a foreboding of some evil to come, which takes from the life like a threatening cloud over a rainbow hope or ambition.

Some people are always suffering from this peculiar phase of fear. They are continually fancying some great misfortune is coming to them, that they are going to lose their money or their position, or they are afraid of accident or that some fatal disease is beginning to show itself in their system. In fact, they see them in all sorts of catastrophes—railroad accidents or shipwrecks. They are always picturing the worst.

* * * * * * *

The fear habit shortens life, for it impairs all the physiological processes. Its power is shown by the fact that it actually changes the chemical composition of the secretions of the body. Fear victims not only age prematurely, but they also die prematurely. Oh, how many victims fear has put into the grave. It has driven people into all sorts of crime through unbalancing the mind. It has caused terrible tragedies in human life.

There is not a single redeeming feature about fear or any of its numerous progeny. It is always, everywhere, an unmitigated curse.

A man who is filled with fear is not a real man. He is a puppet, a manikin, an apology of a man.

Quit fearing things that may never happen, just as you would quit any bad practice which has caused you suffering.

Mr. President, the dangers of disease and death are kept constantly in the public mind. People are warned to avoid this and shun that, and taught to believe this means one disease and that another, until the weak in body or mind are brought under the influence of this powerful suggestion and the strong are not always able to throw it off. Man is afraid of the food he eats, the water he drinks, and the air he breathes. Possessed with fear, he shuns certain foods that he thinks are hurtful, he shuts out the fresh air, and drinks boiled or bottled water. He has become a very craven, the slave of his unreasonable fears. I have heard a Member of this body declare that he could not ride from the Capitol to the Office Building in a closed subway without taking cold, and therefore he walked while others rode. Another is afraid to take a drink of ice water, because if he drinks it it paralyzes the stomach. Last summer when the thermometer hovered about 90 the Sergeant at Arms had electric fans placed in the Senate to relieve the heat, but if one was put in motion it was ordered stopped. Some one was afraid it would give him cold. And so it would, probably; not because a little fresh air could give anyone cold, but because of his fears. If he could learn not to be afraid, and no one else were afraid for him, he would never take cold. Job said, "That which I greatly feared hath come upon me." So it is with the man of to-day. To fear disease is to invite it. Disease is wholly mental. The material body, without mind, has no sensation. Destroy consciousness and the body does not feel. The condition of mind reacts on the body and makes it sick or well, according to the thought either of the individual or others who think about him. Hatred, malice, revenge, fear, and other wrong thoughts are the breeders of disease. Every competent physician will tell you so. And yet these same physicians are doing more to excite the fears of the people than everybody else. And they are here now, urging Congress to authorize the Government to put out printed information that will feed the fears of the people of the whole Nation and engender more diseases and sacrifice more lives than ever the doctors will heal or save. If the people could once be taught to think and talk health and not disease, harmony and not discord, faith and trust and not fear, life and not death, a health department need not be thought of. If the people could only be taught to trust in an omnipotent and good God instead of the doctor and his remedies, and thereby cast off all fear, disease would be unknown. To one having some of this faith and trust that dispels fear in the degree that one trusts and understands, the thought that is

N. B.—Most voters have no special choice and few will refuse their family doctor. Get busy. There is another point you want to remember: If you happen to be of opposite political faith, it is no reason that you have not 50 or 100 friends that you can see who are of the same political faith as the candidate. Don't forget the "personal favor." We ask you to see 50 or 100 friends that are voters. Do you realise what this means? Eleven thousand physicians in Illinois seeing the number indicated would amount to the following: Eleven thousand times 50 equals 550,000 voters. This means victory, something that each individual physician should feel proud of. Talk it over with your brother practitioners and clients.

I submit another newspaper item from Medical Freedom, taken from the New Orleans Times-News. It shows such pernicious activity and indecent haste to secure the appointment of a public official who would be friendly to the legislation the doctors were seeking as to excite just indignation, and the extent to which they propose to go in the effort to procure favorable action by Congress:

TO SUCCEED WYMAN—AMERICAN MEDICAL ASSOCIATION SAYS SELECTION OF DR. WHYTE, OF NEW ORLEANS, WILL INSURE DEPARTMENT OF HEALTH—DR. M'CORMACK, POLITICAL MASTER OF THE A. M. A., STARTED HIS MACHINE WORKING BEFORE GEN. WYMAN'S FUNERAL DATE HAD BEEN SET.

It has been no secret that the A. M. A. opposed the late Walter Wyman, Surgeon General of the United States. Its members made many demands for his retirement because he did not use his office to lobby for their pet measure—the National Department of Health. The following item from the New Orleans Times-News bureau naively tells a story of political selfishness, haste, and bad taste that would be almost incredible if it emanated from elsewhere than the "political doctors."

The item reads: "A boom has been launched, having for its object the landing of Dr. J. H. Whyte, head of the United States Marine-Hospital Service at New Orleans, for the vacancy as Surgeon General, caused by the recent death of Dr. Walter Wyman. The effort comes from Bowling Green, Ky., and the Louisiana State Board of Health was apprised of it in a letter received from Dr. Joseph McCormack, of that place, and a member of the council of health and public instruction of the American Medical Association, which booms Dr. Whyte for the place enthusiastically.

"The following is the text of the letter sent Dr. Oscar Dowling, president of the State board of health, New Orleans, La.:

"'DEAR DOCTOR: Am just in receipt of a telegram announcing the death of Gen. Wyman. Am writing to know if you will at once bring every influence to bear on President Taft, through your Senators, Representatives, and others, to have Dr. Joseph H. Whyte, of New Orleans, appointed as Surgeon General. He is one of the strongest men in the service, has always been an active advocate of the National Department of Health, and his appointment almost assures its creation.

"'Trusting in your full cooperation, and asking to hear from you, I am,

"'Cordially, yours, J. H. McCORMACK, M. D.'"

I have no doubt that Dr. Whyte is a very worthy man and would have made a good Surgeon General, but it is fortunate that he was not appointed with such influences behind him. It is quite likely that his support defeated him, for the President knew of this letter before the appointment was made, and the President is a just man possessed of a high sense of decency and the proprieties.

COLLECTION AND DISSEMINATION OF INFORMATION.

The bill provides:

That it shall be the duty of the bureau of health to collect and disseminate information relating to the public health.

This is one of the most deadly provisions in the bill. This Government is now spending hundreds of thousands of dollars to send broadcast the details of sickness, disease, and suffering. It is by this means planting the seeds of disease and killing more innocent and unsuspecting people than drugs ever saved.

The people are being [illegible] death when they [illegible] are traveling a [illegible] causes of tuberculosis [illegible] only to grow [illegible] describe the [illegible] on the body, and [illegible] trated lectures, [illegible] These horrifying and [illegible] human details of the causes and [illegible] very fear that breeds and fosters disease. Those [illegible] given in the schools and [illegible] tims. Instead of being encourage[illegible]

I have a letter written [illegible] Freedom calling attention to one case of this [illegible] the chief offender in this case was not [illegible] representative of the Antituberculosis Society. [illegible] prehensible thing about it is that the teachers [illegible] the public schools in an enlightened community should [illegible] such an outrage to be committed. The letter is as [illegible]

Inclosed please find a few clippings that may [illegible] Mr. Dee Brown—he is not a [illegible] medicine [illegible] being paid by the Anti-Tuberculosis Society [illegible] a campaign of a month to address all the schools [illegible] cate them along the lines of symptoms and the [illegible] They started in on Friday and it happened that the [illegible] grade schools on the west side—that is those that [illegible] we call the Union School—[illegible] they reached the Union High [illegible] assembled the high-school children in one of the rooms [illegible] the minutest detail of the symptoms of this disease and [illegible] that they might have the disease and not know it [illegible] the tissues of the lungs were so badly gone before the [illegible] that he had the disease that there was no help for him. He [illegible] times you may have a tired feeling in the morning [illegible] marked symptoms. You may have a flush on your cheeks [illegible] know this is one of the worst symptoms, and he went [illegible] line. He filled the children so full of fear that one beautiful [illegible] fell in a dead faint on the hard floor, striking on her [illegible] were obliged to call a carriage and send her home and [illegible] the teachers called at the home Saturday afternoon [illegible] gained consciousness enough to realize what had happened [illegible] is still under a doctor's care, with a very bad black eye and face [illegible] other girls were helped out of the room and one or two others braced up by the teachers, and the boys fairly turned pale.

Everybody supposed, of course, he was a physician and they could not understand his unprofessional way of presenting his [illegible] these children. They teach these children to have implicit confidence in what they teach them, and, of course, their thought is [illegible] After the talk the children stood around in groups and expressed themselves as being very much disturbed because they were obliged to listen to such stuff, and a number of them went to the teachers afterwards and asked why they were obliged to listen to it.

Monday morning he went to the Central High, and his talk was the first hour. They locked the session doors and compelled all the children to enter the general assembly hall.

Saturday, Sunday, and Monday we got busy on this work, and did all we could to have the lecture toned down and the worst part eliminated, but now we are setting about to have the entire lecture course eliminated. We have appealed to the parents of our city, as many as we can reach over the phone, and asked them to send in protests to the board of education. Last evening was the regular monthly meeting of the board, and a few went up to the meeting and personally protested, which resulted in a committee of three being appointed to investigate the matter and hear some of his lectures. I do not think he will dare to give again the talk that he gave to the Union High children.

This man has just finished a campaign in Wisconsin, covering the State completely, and he has now entered Michigan to do the same thing. I am going into detail, thinking it may be of some help to you with the work in the State, and if Detroit has planned for a similar campaign you will be better prepared to head it off.

its committees and its journal to use their utmost endeavors to procure the passage of the Owen bill. If it should go out to the public that this conference, after all that had been said and done, had to-day taken a different stand, and should by its silence give consent to the doctrinaire sentiments of the chairman, a blow would be struck at the good faith of the profession from which it would never recover. Mr. OWEN, who had taken his life and his political fortune in his hands in advocating our cause, would go down to a disgraceful defeat, and the blood of this sacrifice would be on our hands.

It has been the studied effort of the American Medical Association to secure teachers, particularly in the public schools, to cooperate with them. In this way they could reach the young people and bring them under their influence, thereby securing the influence of the teachers themselves as affecting public sentiment. Dr. McCormack, who was the leading spirit in all efforts to extend their organization and increase its strength and influence, had this to say on that subject at the Atlantic City session in June, 1909:

I am constantly impressed with the possibilities of this work before educational bodies and schools, and especially in institutions which are engaged in preparing teachers, editors, lawyers, clergymen, and other leaders of public opinion for their life work. The popular distrust of the profession, ordinarily passive but ready to become active and to be utilized by the various quack and other antagonistic interests, can scarcely be overestimated, and probably can never be eradicated from the once infected adult mind. The experience of recent years has convinced me that with the aid of the teachers and schools, an aid which will be ours for the asking anywhere, a generation of voters and legislators can soon be so trained that the vast interests represented by preventive medicine will come to be appreciated as among the most important and cheaply and easily conserved of the Nation's resources, the unselfish aims and purposes of the profession will be recognized, and constructive statesmanship can be submitted for the time-serving political methods which have so long obtained in our public affairs, local, State, and National. For these and other reasons which can not be enlarged on here, I would urge such an alliance between physicians and teachers in every section of the country as will make all that it involves in our work matters of common knowledge. In short, the future, as I see it, was never so full of promise, if the people can be frankly taken into our confidence and more sense and greater dignity can be made to obtain in our relations with the public and public affairs.

The doctor seemed to be impressed with the idea, evidently well founded, that the doctors composing the organization are not in public favor. He seemed to think that an alliance with a respectable body like the teachers would relieve them from this feeling of distrust. Unfortunately, too many teachers have unwittingly been made the instruments of the association for such a purpose.

The following article entitled "The county board of health," by Dr. W. S. Rankin, secretary of the State board of health of Raleigh, N. C., shows something of the length to which they are going in the effort to mold public sentiment and secure outside help:

EDUCATIONAL WORK.

Here is a vast field of unlimited possibilities wherein the board of health may do its most important work.

The educational efforts of the board of health have three possible agencies through which to find expression, the public school, the pulpit, and the press.

The receptive and pliable mind of developing citizenship is the most prolific soil in which to sow the seed of sanitary regeneration. Certainly there is nothing more vital to the future welfare of all the people than that our school children shall be taught the value of health, that it is fundamental to all other possessions, and that it is a thing that can be easily conserved or easily wasted. There is a law

that requires our public schools to teach Ritchie's Primer of Sanitation to all pupils in the seventh grade. County boards of health should see to it that this law is rigidly observed.

In the December Bulletin we suggested the purchase by the county of an acetylene lantern and slides. The entire outfit can be obtained for $100. If the county board of health would invite the cooperation of the county medical society and work out with that organization a program of lectures to be given by the members of the county medical society to the various public schools in the county, nothing would go further in arousing the sanitary conscience of the county. The lectures should be given at night in the public schoolhouses. A week preceding the lecture the county superintendent of schools should forward to the teacher of the school a quantity of handbills announcing the lecture, and these could be distributed through the school children throughout the community. If the county medicial society does not care itself to prepare a set of standard lectures on important sanitary subjects, the State board of health will be very glad to furnish these lectures already prepared, so that little time will need to be given the matter by the individual members of the county medicial society. For fuller detail in regard to this plan see 313 of the December (1911) Bulletin.

Another very effective method for emphasizing the importance of the study of sanitation in the schools and for securing the interest of the children, and one that has been put to extensive use by many progressive communities, is the offering of prizes for compositions on public health subjects. Asheville, Wilmington, and Smithfield, among other towns in North Carolina, have adopted this idea. A county in Alabama obtained such splendid results in increasing the interest of the people in matters of sanitation through a series of prizes offered in the public schools of the county for compositions on tuberculosis, sanitation, flies, etc., as to have attracted national attention. What has been done in Alabama can be done in North Carolina.

* * * * * * *

The county medical society should use its influence with the newspapers of their county to secure the publication of articles bearing upon public health. The newspapers of North Carolina recognize the importance of this public opinion and are lending the use of their columns unstintedly for the promotion of public health. County boards of health should keep the editor of the county paper informed in regard to local conditions and events that affect the public health. The State board of health prepares weekly newspaper articles on the subject of public health and sends them to all the newspapers of the State. If your county paper has not been publishing some of these articles, the board of health might call attention to the possible oversight and use its influence in securing more frequent references to this matter, which should deeply concern the public.

Mr. President, the full title of Ritchie's primer, referred to in the last article, is "Primer of sanitation: Being a simple work on disease germs and how to fight them." And the following are the subjects treated in this so-called work on sanitation:

Why the study of disease germs is important.
The cells of the body.
Disease germs and how they get into the body.
The struggle between the body and the germs.
Bacteria.
The skin.
The pus-forming bacteria.
Tetanus (lockjaw).
The air passages and the lungs.
Diphtheria.
Pneumonia.
Influenza, whooping cough, and colds.
Tuberculosis.
The treatment of consumption,
Disease germs in dust.
The alimentary canal.
Typhoid fever.
Diseases caused by relatives of the typhoid germ.
Other bacterial diseases of the intestines.
Disease germs in water.
Other bacterial diseases.
Protozoa.
Malarial fever and yellow fever.

41917—10969——4

Mosquitoes.
Smallpox.
Other protozoan diseases.
Intestinal worms.
The importance of sanitation.
The housefly.
Disease germs in food.
Disinfection.
Unhygienic habits.
Public sanitation.
What governments can do to preserve the public health.
Practical sanitation.

This is the kind of reading that is being offered to the children of the country and attempted to be forced upon them, for the study of the book has already been made compulsory in the State of North Carolina and, I understand, in some other States.

There has been much complaint that the earnings of the doctors have been falling off. Hence the extraordinary efforts through political means and unjust restrictive legislation to retrieve their fortunes. At the meeting of the San Francisco Medical Society in January, 1899, Dr. Charles G. Kuhlman read a paper in which he showed that the average earning capacity of California's 3,000 doctors should be $5,000 each per annum, but because "irregular" physicians were allowed to practice and of bad debts it was only $850, or one-sixth of what it should be, entailing a loss to the "regular" doctors of that State alone of $10,000,000 per annum.

That was certainly a bad showing for the regulars. He urged as a remedy "a better organization of the medical profession into a distinct corporation and which should be, to be perfect in its results, not merely local or State but national in its character." The doctor's advice was taken. Now the regulars have just such an organization as he hoped for, and it has not hesitated to use every means within its reach, political and otherwise, to circumvent the irregulars and put them out of business. To this end they have spent millions of dollars, and the people are no better off, nor have the regulars increased their earning capacity or increased for themselves the public respect or confidence. Their case is no better, but seemingly worse, than it was before, as indicated by the following extract from the New York State Journal of Medicine of March 12, 1910:

> The profession has not fared well at the hands of legislators. The legislation secured to elevate the standard of the profession and protect the public from quacks has resulted, with the help of the same legislatures, in turning turkish-bath rubbers into doctors, and the optician has succeeded in usurping some of the most delicate functions of the physician. If the legislature continues to license successive schools of quackery, we may well question the wisdom of State control of license to practice medicine. On account of this and on account of the general education in hygiene and preventive medicine, the income of the profession has been greatly diminished. The remedy would be to increase the fees, but this could not be effected without thorough organization and loyalty to each other on the part of the doctors. The New York Journal says, further, that it is the universal opinion that an agreement in regard to fees would not be respected, and that this assertion is striking proof that there is real distress in our ranks and that medicine is degenerating into a vulgar game of grab or sordid struggle for mere existence.

This shows a very distressing condition of things for the regulars; but it never seems to occur to them that the error may be with them. It is inconceivable to them that they could by any possibility be "irregular" and some other mode of

healing the true or even a better one than theirs. It is not theirs to learn, but to stick dogmatically to the contention that no one can be right but them. Other people have seen their error and the falsity of their ideas of healing, but they seem incapable of appreciating a patent fact that millions of people have learned to their inestimable advantage.

Mr. President, there is still another side of this important question that should not be allowed to escape the attention of the Senate. It is this: I have already pointed out that the medical activity of the Government in all its branches is in the hands of and completely under the influence and control of one school of medicine, and every publication sent out as information coming from the National Government is now, and will continue to be under this bill, the views of one school of medicine, and that a school which has been largely discredited. When the Government becomes the publisher and distributor of information obtained by and relating to this school of medicine, it establishes a State medicine and makes it strictly sectarian. This is bound to continue just so long as one school of medicine is intrusted with the management of health matters. It may be said that this bill provides against discrimination as between different schools of medicine. But while the bureau is under the control of one school and no physician or surgeon of any other school is employed by the Government, such a provision amounts to nothing. The Government has maintained this sectarianism in medicine for over 40 years. Its health activities have been completely dominated by one sect to the exclusion of all others.

The Government has no more right to sanction or support sectarianism in medicine than in religion. One is just as much of a violation of the freedom of the citizen as the other. There are millions of people in this country who believe in the homeopathic and eclectic modes of healing, and millions more who do not believe in drug healing of any kind. But not one of these has any recognition whatever by the Government as represented by the present medical bureaus, nor will they have under this bill if it becomes a law.

By these publications the Government is simply promoting the views of one school of medicine to the exclusion of all others. And worse still, they are not a report of established or known facts, but of mere opinions opposed to the views of other equally competent schools of medicine, and generally found in the end to be erroneous. Such a publicity bureau shuts out the views, opinions, investigations, and discoveries of every other school of medicine, composed, in part, of some of the ablest men and brightest minds in the country. If we take the publications of the present health bureaus, and the people of this country were dependent upon them for their information, they would never know that a homeopathic, eclectic, or any other school of medicine or healing existed. And if the bureaus should speak on the subject, it would be to discredit any school but the one. If such publications are of any use to the public, they should be made nonsectarian and inform the people of every discovery, advance, or change in health affairs from whatever source and without bias or prejudice.

This could never be expected from present bureaus or any consolidation of them. The chief reason is that this legislation

is sought by and in the interest of one school of medicine. No other school is asking for or favors it. The people do not ask for it and do not understand it.

SERUM THERAPY.

Mr. President, the old school of medicine has now taken up the idea of serum therapy, so called, or the prevention of disease by inoculation of supposed disease-preventing serums extracted from diseased animals. In the case of smallpox we have had this alleged preventive for many years. The efficacy of vaccination has never been proved. It has from the beginning been stoutly denied, and ample proof has been given that it is not a preventive, notwithstanding the National Government, and State, county, and city authorities compel the people, including young children, to submit to the poisoning of their blood by this loathsome treatment. The National Government forces it upon its soldiers and sailors by the strictest penalties. Children whose parents are opposed to it are denied school privileges, and other penalties are imposed to compel submission to vaccination, whether the people want it or not. It is almost beyond belief that any enlightened Government would thus trespass upon the liberties and personal rights of its citizens in such ways upon the mere opinion of doctors, and opinions that have never been substantiated, but have been discredited and disproved over and over again. And now the doctors say typhoid fever can be prevented by a serum that has been discovered lately, and the Government at once accepts this opinion and forces it upon its soldiers, sailors, and employees. Then the school children will be forced to accept this new and equally dangerous system of poisoning. Like remedies are being discovered for other diseases, until everybody will have to submit to have his body inoculated with various poisons, on the theory that he will thus be made immune from every known disease. The whole thing is too absurd to talk about. It results from the fact that the doctors have learned that the old remedies will neither prevent nor heal disease, and they are losing their business and public confidence. The administration of these pretended preventive remedies is a very lucrative business, and when people are compelled to take them it is easy to get patients.

The practice of vaccination is condemned by physicians and scientists and all classes of people. The following from the late Moncure D. Conway, one of the great men of this country, illustrates what men of learning and information think about it:

A considerable number of good people are just now suffering fines and imprisonments because they will not suffer their children to be vaccinated. Their very excellencies as parents cause them to be dealt with as malefactors. Here, say, are two men: One gives uninquiring assent to what other thoughtless people assent to; he doesn't care much what happens to his child, delegates to usage the duty of thinking for it, gives it up to be baptised, catechised, vaccinated, flogged at school—to anything that is usual, whether right or not. The other man gives no uninquiring assent; he studies carefully that his family may be nourished with truth and maintained by such laws of health as he can discover. Now, of these two the careless parent is favored by the vaccination law, while the thoughtful, anxious, and devoted parent is punished unless he adopt a prescribed opinion. A law which thus favors parental indifference and discourages careful thought and conscientious devotion to the child's welfare reverses the spirit of all just laws. Of course it is equally probable that the thinking parent may be able to agree with the majority; but he may not, and in this case he suffers

for his inquiry, while the other escapes—no man being so safe from the results of thought, erroneous or right, as he who never thinks at all.

Vaccination has been seriously challenged by men of learning. The misgivings concerning it have not arisen from ignorance and prejudice, but from men of science and medical men. These arguments have been sufficiently strong to shake the convictions of eminent thinkers and political leaders—such as Herbert Spencer, Prof. F. W. Newman, Dr. Garth Wilkinson, William Ewart Gladstone, W. E. Forster, John Bright—in the justice of the law, and of some of them in vaccination itself. The arguments which have influenced such men—leaders of large numbers of people—can not be met justly except by fact and argument. To answer by mere force is tyranny. The reasoning objectors have been answered only by fine and imprisonment, which are as genuinely persecutions as if inflicted for the nonbaptism of children, on the ground that such children may become foci of heretical infection. To those who dissent from it vaccination is merely a medical dogma. To coerce parents into its practice rests upon that assumption of medical infallibility which has again and again been proved false, as in the instance of inoculation, once generally practiced, now penal; as in the example of bleeding, that barbarous practice to which Washington and Cavour fell victims while opening new vistas of civilization. Even were physicians unanimous in their faith in vaccination, they could not claim infallibility after having so often erred, while, as a matter of fact, there is less unanimity in that profession about vaccination than there was at one time in favor of the now discredited inoculation.

And this is the way the Government punishes its citizens for presuming to deny the right of its officers to poison their blood by this process:

[From the St. Louis Post-Dispatch.]

MEDICAL TYRANNY IN NAVY.

Resistance to the advice and instructions of medical officers in the Army or Navy is construed as insubordination as serious as resistance to the orders of other commissioned officers. Because they refused to submit themselves to the new antityphoid inoculation, a number of the crew of the battleship *Vermont*, in Cuban waters, are being punished as virtual mutineers.

There was a time when disobedience to the orders of a chaplain involved as grave consequences to members of the organized military forces. Army and Navy policies which make mutineers of faithful men with intelligence and individuality enough to object to the introduction of noisome, poisonous substances into healthy bodies can not command popular approval.

If vaccinations for various diseases were prescribed a condition at the time of enlistment, the men would have the option of consenting to it or declining to enter the service. To impose after enlistment vaccination on men in violation of their will and judgment is a misuse of military authority. It can not be justified on the ground of necessity in the absence of an epidemic. So far as typhoid is concerned, it can be combated in entirely unobjectionable ways through sanitation.

This is a subject with which Congress should deal.

When one comes to consider this subject, the evidences against its compulsory imposition are so numerous that one can select but few of them for use in an address of this kind. No one can truthfully deny that thousands of lives, many of them of little children, have been sacrificed to this vile practice. But, again, the people do not or will not think for themselves. To them the opinion of some doctor who knows no more than they do about it is sufficient and they go no further. Those who do think for themselves and refuse to submit to the treatment for their children must lose their right to send them to the public schools. If the doctors agreed about it, it would not be so bad. But they do not. Many of the ablest doctors of all times since it came into use have denied that it is of any value and assert that it is a most dangerous remedy. In an appeal to the people of Pennsylvania by certain inhabitants of Bangor, Northampton County, they say:

The inhabitants of Bangor, Northampton County, in public meeting assembled, on Friday evening, March 29, 1907, issue this appeal to the

people of Pennsylvania to join with them in restoring the principles of civil liberty in this Commonwealth, which have been outraged by the enforcement of the compulsory vaccination laws.

On November 5 last, one of the brightest and best of children, Hershel, the 8-year-old son of Frank N. Love, a respected citizen of Bangor, was vaccinated in order to obtain admission to school, as required by the 12th section of the act of June 18, 1895. Within 17 days he was dead, after suffering what no tongue can tell. The poison was put into his little body, but the doctors could not get it out.

The father and mother of this victim of State-enforced blood poisoning have one remaining child, a little girl, who is now of school age. But a cruel law, which still remains unrepealed upon the statute books of this State, denies to this child the right of education guaranteed by our Constitution, unless her already grief-stricken parents again make a sacrifice to the Moloch of vaccination.

* * * * * * *

The tendency of vaccination to spread smallpox and its worthlessness as a preventive have been illustrated in our own State, where the disease has been most prevalent and fatal in those localities where vaccination has been general. In Philadelphia during the 10 years immediately preceding the enforcement of the vaccination school law, from 1885 to 1894, there were 113 deaths from smallpox, while during the four years from 1901 to 1904, when the law was being strictly enforced, there died in the Municipal Hospital of smallpox 760 persons. It is estimated that the vaccinations performed during that outbreak were about 500,000 in number. In Marietta, where vaccine is manufactured from the virus of smallpox, there were more than 50 cases in 1905. But in Erie, where it has been found impossible to enforce vaccination, there has been only one death from smallpox in 25 years, and in Waynesboro, where the entire population is opposed to vaccination, there has not been a case of smallpox since the Civil War, nor a death from that disease for 64 years.

The spread of smallpox is, however, one of the least of the evils chargeable against vaccination, for physicians who have independently investigated the subject tell us that the words of Scripture, that "The life of all flesh is the blood thereof," are literally true, and that the corruption of the blood defiles the fountain of life, making disease necessary to purify the system and prevent degeneration. Vaccination stands indicted by the common sense of mankind, the teachings of religion, and the voices of the world's greatest scientists and sanitarians, including Alexander von Humboldt, Florence Nightingale, John Pickering, Sir William J. Collins, Herbert Spencer, Alfred Russel Wallace, Alexander Milton Ross, Montague R. Leverson, Charles Creighton, Edgar M. Crookshank, and many others of like eminence. It has poisoned the blood of countless multitudes and placed upon its victims the stamp of consumption, syphilis, cancer, and many other terrible diseases.

* * * * * * *

If the functions of government were strictly limited to the exercise of its just powers, grounded in nature, and derived from the consent of the governed, and if all arbitrary authority were abolished, there would be no compulsory vaccination laws, and the history of Pennsylvania during the last two years would not have been sullied by the slaughter of Dale Iams, of Washington County; Lottie Bentzel, of Cumberland County; George Baker, of York County, John L. Hilt, of Lancaster County, Beatrice Bausonville, of Pittsburgh, and many other little innocents by State-enforced blood poisoning.

The attitude of certain political doctors who are members of the legislature in presuming to dictate to more than 6,000,000 people in this Commonwealth concerning their own flesh and blood, encouraged as it has been by the attempt of health officials to use the power and patronage of their offices to influence the course of legislation, we denounce as being opposed to the spirit of our institutions.

* * * * * * *

When a few political doctors, animated by the selfish and infamous desire of a clique in the medical profession to increase its profits by diseasing the entire population of this State, can block the remedial legislation demanded by an overwhelming majority of the people an issue is raised which must be carried to every hamlet and fireside. Shall a politico-medical oligarchy, supported by the public revenues, be permitted to compel any person to submit to a surgical operation, or shall the free institutions guaranteed by the Constitution of the United States be maintained in this Commonwealth? Shall a union of medicine and State be permitted to enslave the bodies of men, women, and children in a community in which the principles of religious liberty and toleration have been upheld for two centuries and more?

41917—10969

Mr. J. P. McLean has this to say in the Dayton (Ohio) News of October 26, 1910:

AGAINST VACCINATION.

EDITOR DAILY NEWS: I will avail myself of the opportunity of contributing an article on "Vaccination" for the reason that I believe that this cult is the greatest crime against nature ever recognized, and is far worse than war, famine, and pestilence. One article will not permit me to go into details, nor treat the subject as I would desire. The fact that antivaccination societies are numerous in Great Britain, America, and Canada and other countries, indicates that there is a widespread dissent and opposition to the cult. If to this be added the names of the greatest pathologists, physicians, surgeons, naturalists, statesmen, etc., then it is well to pause and consider. I will here confine myself to some of the reasons why the ranks of the opposition are extending, though I may not follow the natural sequence.

In all probability the opposition to the cult arises principally from the fact that it is a propagator of a fatal disease. This point is easily proven from the fact "that all lymph, however pellucid, does really contain blood cells." (Unanimous opinion of the Royal Commission on Vaccinations, final report, p. 112.) If, then, vaccine matter always contains blood cells, then whatever disease the source of the supply may have, will be propagated in the victim. Dr. Alexander Wilder, the most brilliant and versatile physician America ever produced, says: "Consumption follows in the footsteps of vaccination as directly as an effect ever follows a cause. The vaccine poison being the product of decaying animal tissue, and often tuberculosis in character, must naturally produce its like wherever it finds the suitable opportunity." (See his "Fallacy of Vaccination," p. 13.) He quotes from Prof. Bartlett, of the medicine department of the University of New York, who stated that "in 208 children who had been vaccinated, 38 died of tubercular consumption and 170 of other maladies. In 95 who were not vaccinated 30 only died of consumption and 63 of other diseases."

The Medical Times and Gazette, London, for January 1, 1854, called attention to the fact that consumption had widely spread since the introduction of vaccination. That during the 10 preceding years it had slain 68,204 in the metropolis alone. The report of the registrar general for 1069 gave the number of deaths at 53,794 from the cause alone. Dr. Wilder is supported by such men as St. Gervais, Hufeland, Hertwig, Grisolle, Constadt, Bedaur, who also enumerated about 30 more diseases.

Dr. Jasuco Copland (Dictionary of Medicine, vol. 3, pp. 140, 141) says: "Notwithstanding the laudation bestowed upon vaccination, I believe that as the lapse of time allows the fact to be more fully demonstrated it will be found to be a not unfruitful source of scrofula and tuberceles." Even Dr. Felix von Niemeyer says that vaccination in children may leave behind it the germs of a disposition to consumption (p. 22). He further adds: "I must protest against unconditional compulsory vaccination, particularly during the first two years of life." I might extend this, but enough has been said.

Cancer is another rapidly increasing disease. Does any person know even of a single case of this disease in a human being who was never vaccinated? It is a frightful disease, and fatal. Several years ago Dr. Wilder wrote in that of his own knowledge he knew this disease to be bovine. Hutchinson (Illustrations of Classical Surgery, vol. 1, p. 141) has illustrated a case of lupus in and around a vaccination scar, and cases of a like nature have been described by Besnier (Annales of Dermatologie at de Syphiligraphie, vol. 10, p. 576), Lennander (Upsala Lakareforennings Forhandlinger, vol. 25, pp. 65–70); and Colcott Fox (The Practitioner, vol. 6, p. 500).

Judging by reports, lockjaw is not uncommon after vaccination. I need only to refer to the statements of Dr. J. H. Cottman (New Orleans Medical and Surgical Journal, vol. 2, p. 783), Dr. George Ross (The Southern Clinic, vol. 1, p. 468), Dr. Theodore Dimon (St. Louis Courier of Medicine, vol. 7, p. 310), Dr. H. J. Berkeley (Maryland Medical Journal, vol. 9, p. 241), Dr. W. T. Bates (Transactions of the South Carolina Medical Association, vol. 32, p. 105), etc.

Without multiplying the list of diseases with accompanying references, I will conclude this portion of the article by stating that the celebrated physician, J. J. G. Wilkinson, gives a list of 56 different diseases caused by vaccination. Dr. Alfred R. Wallace, the most eminent of living naturalists, estimates that vaccination is the annual cause of 10,000 inocular diseases in Great Britain. I presume the Dayton library has his "Wonderful Century." If so, then read what he says on the vaccination delusion.

Perhaps it may be well at this point to call attention to Circular 147, issued June 16, 1909, by the Department of Agriculture, which re-

lates to the outbreak of the foot-and-mouth disease in cattle in Pennsylvania, Maryland, and Michigan during November, 1908. The origin of the disease was traced to 21 heifers which had been previously used for the production of vaccine virus.

It is believed that vaccination produces the soil for the propagation of smallpox. As vaccination is a septic poison, it would not be difficult to maintain this position.

Turning to the Brittanica, ninth edition, volume 24, page 29, we read that Prussia was the best vaccinated country in Europe in 1871, yet, during the epidemic of that year its mortality was higher (69,839) than any other northern State; that the Bavarian contingent, which was revaccinated without exception, had five times the death rate from smallpox than that of the Bavarian civil population; that in Bavaria in 1871, of 30,742 cases of smallpox, 29,429 with 3,994 deaths had been vaccinated; that at Bromley in 1881 there was a total of 43 cases, including 16 confluent, all vaccinated; that at Cologne in 1870 the first unvaccinated person attacked by smallpox was the one hundred and seventy-fourth in order of time; at Bonn the same year the forty-second; and at Liegnity in 1871 the two hundred and twenty-fifth. Take the recent cases in the United States Navy, where all are revaccinated, when the armored cruiser *Washington* was three days out (Jan. 22, 1910) from Yokohama, smallpox broke out and for three days treated as chickenpox. The vessel reached Honolulu on the 28th with three cases, one of which proved fatal. Here the ship was fumigated. The vessel left February 3, and by the 6th three cases developed, and on the 14th arrived at Port Townsend with five cases, where the patients were taken ashore, three of whom died. The vessel was held in quarantine until the 22d. The vessel arrived at San Francisco on March 4, reporting nine cases with four deaths.

By the advocates of the cult, Germany is pointed to with pride from being free from smallpox on account of her rigid laws for vaccination. Let us see. During the week ending July 9, 1910, in the British Parliament, a question was asked concerning a recent report of smallpox in Germany. The Right Hon. Sir John Burns, president of the local Government board, replied that in Prussia 690 cases, with 107 deaths, had been notified.

With the imperfect record above set forth there is sufficient evidence for us to believe with Lord Clifton that vaccination is "legal child murder," or with others who declare it to be a "ghastly delusion."

FRANKLIN, OHIO, *October 26, 1910.*

Mr. President, the facts and conditions are so clearly stated in this article and others that I have cited, that but little need be said by me. The sentiment against enforced vaccination is growing in volume and strength every day. It is supported only by fear and confidence in medical opinions on the subject, opinions actuated in the main by self-interest. Of course, there are many honest and conscientious people who believe in vaccination, and they are easily convinced of the preventive effects of other serum remedies. I venture to say, however, that there are very few competent doctors who believe in any of these remedies.

But, Mr. President, their inefficacy is not the worst of it. If this were all, they would at least be harmless; but it has been proved over and over again that they are worse than harmless—they are dangerous to health and life. Thousands of lives have been lost by the most violent and loathsome diseases by the use of these remedies. That is clearly shown by the communications I have just read. And the doctors are not only doubtful of the new serum remedies that are coming into use, but they are fearful of their effects in causing and transferring other and new diseases. They already have a new disease, called the "serum disease." The Hartford Times, as far back as 1908, had this to say on the subject, most of the facts being taken from the Inter-State Medical Journal:

DOCTORS ARE WORRIED OVER SERUM DISEASES—INJURIOUS SYMPTOMS FOUND TO FOLLOW INJECTIONS OF ANTITOXINS IN SOME CASES.

Physicians are discussing an ailment to which the name "serum disease" is now applied. The name is used to describe various groups

of symptoms occurring after hypodermic injections of sera used to combat several acute diseases. The phenomena arising from the administration of normal, antitoxic or bactericidal serum at first were supposed to be harmless, but this has been disproved.

"Although manifest symptoms do not occur in more than one-third of all cases," says Dr. E. W. Saunders, of St. Louis, in the current issue of the Inter-State Medical Journal, "the cellular reaction to the alien serum is probably present in every individual who receives an injection, and the phenomena may be observed to a greater or less degree if the proper tests are made."

Dr. Saunders offers some practical rules in regard to the use of the various sera for the consideration of his fellow practitioners. He says: "Curative sera are not the harmless substances we originally supposed. Immunizing injections of serum should not be employed when isolation will prevent the disease with a reasonable degree of certainty and the children can be watched.

"Serum should not be used in asthmatics or those suffering from Grave's disease, or the lymphatic constitution, except in developed diphtheria. The use of bactericidal sera of doubtful value should not be encouraged without careful consideration of all the possible bad effects.

"If a second dose of serum must be given during the few weeks following a primary injection, small repeated doses are preferable to a large single dose.

"On the other hand, one large initial dose is probably less harmful and far more effective than several doses given over several days.

"THE SYMPTOMS.

"In some of the cases injected, varying from 10 to 40 per cent, after a period of 5 to 20 days, the patient becomes restless, and may complain of lassitude and pain in the limbs. This is soon followed by the serum exanthem, which is often acompanied by a severe itching and burning. The serum rash varies in character. Most often erythematous patches, rose red in color, will be found covering various parts of the body. Sometimes the eruption is distinctly scarlatiniform. Occasionally it resembles measles.

"A very striking symptom is edema of the skin, which may be present only in certain circumscribed spots or more rarely involve the whole integument, giving the person a ghastly, bloated appearance. A very serious form is the hemorrhagic type, in which hemorrhages occur in the skin. Fortunately this is rare.

"Joint pains are frequently observed. One or more of the joints may become very tender to touch and to movement. Muscular pains are very common. Articular swelling may be present. The wrists knees, hips, elbows, ankles, and shoulder are most frequently implicated.

"That the disease is a general disturbance is proved by the fact that an elevation of temperature is frequently present. The fever may be very high. Vomiting and diarrhea occur in a small portion of cases.

"In 1899, after repeated injections of diphtheria antitoxin in the babies of the Bethesda Foundlings' Home, I had the opportunity to observe in several cases the sensitizing effect of a previous injection.

"We found that many of the infants who had received an immunizing dose six weeks previously showed a very marked supersensibility to the second injection. The symptoms of serum disease, which are usually delayed a week or more, came on within a few minutes and with much greater violence. I reported these observations in the St. Louis Courier of Medicine in 1899. Although the explanation given then does not entirely harmonize with the present debated theories, the occurrence of a supersensibility and the clinical symptoms were clearly depicted.

"CONDITIONS OFTEN PROTRACTED.

"The condition is sometimes remarkably protracted. Thus, in one instance, in a little girl who received an injection of antidiphtheritic serum four years previously, another injection of the so-called globulin antitoxin produced violent symptoms in a few hours. Rosenau and Anderson found the condition persisting for several months. It is possible that this supersensitiveness may remain throughout life in certain individuals, and that it may be transmitted to offspring, as is the case in guinea pigs.

"The symptoms of this second reaction are very similar to those of the primary disease but supervene very soon after the second injection, sometimes within a few minutes. There may be a chill, convulsions, and sudden high fever. The respiration becomes very rapid, the pulse accelerated, and the patient shows great anxiety. In some cases a severe dermatitis, with local pain around the site of the injection, appears. Bolton reported a case of local gangrene.

41917—10969

"As far as I can learn no cases of death have occurred in human beings by the repeated injections of horse serum, yet the severe symptoms which sometimes occur and the fact that gangrene and death are so frequent in animals, convinces the clinician that antitoxic horse serum is by no means a remedy which can be used carelessly or indiscriminately.

"Another form of supersensitiveness occurs in certain individuals who have not had a previous injection of antitoxin. Quite a number of cases have been reported, and I have seen a number myself in which the immediate serum reaction occurred, and yet the patient injected had never before had a dose of horse serum. No explanation can be offered for these cases at present except that of idiosyncrasy.

"All efforts to rid the curative sera of the toxic substance which sensitizes have proved futile. Meule's observation that fresh sera have a greater tendency to cause rashes than older sera has been refuted experimentally by Rosenan. So far all theories offered to explain this condition have met all the known facts."

The mistakes the doctors make in diagnosing cases of supposed smallpox and other diseases would be ludicrous if they were not so serious in their consequences. Pasadena, Cal., had a conspicuous case of this kind. Dr. Stanley P. Black, health officer of that city, was called to pass upon the case of two children, pronounced their case smallpox, placarded the house, established a quarantine, and ordered over 300 children, who had not been successfully vaccinated, excluded from the schools. The indignant parents of the excluded children demanded that some other physician be called in to determine whether the sick children really had the smallpox. But the health officer, characteristic of his kind, refused to allow another doctor to see them. An indignation meeting of citizens was called and the doctor forced to allow another doctor to be called. The result was that the children were found to be suffering from poison oak. Then the health officer did the only sensible thing he had done in the whole transaction. He resigned.

I could go on quoting from opinions of doctors and scientists almost without number showing how useless vaccination is and the lives that have been sacrificed by the use of vaccine matter, but it would serve no useful purpose. The people will not think for themselves. They rely upon the doctors and vaccination is a rich source of revenue to them. They know no more about its effects than do other people, but the "faith in the doctor and his drugs and his remedies," according to Dr. Osler, is quite enough.

But there is one other thing to which I call the attention of the Senate. In the Public Health Reports of the Public Health and Marine-Hospital Service, June 23, 1911, Asst. Surg. Gen. John W. Trask has this to say on the subject of the probable or possible effects of vaccination:

That the community is protected by vaccination may be true for certain localities, but that the protection thus afforded is general can hardly be maintained. Japan as a nation is probably as well or better protected by vaccination than is the United States, and yet in 1907–8 there was an outbreak of smallpox in Japan in which 19,101 cases were reported with 6,273 deaths. Vaccination did not there modify the type of the disease to that found in America. In that outbreak among 5,215 smallpox patients 1,527 were found who had never been vaccinated. This is interesting, as indicating a relatively small number of unvaccinated individuals. The epidemic was apparently one of considerable virulence, the general death rate per hundred being 42.25 among the cases in 1907 and 32.32 among those in 1908, while the deaths among the unvaccinated were 69.4 per hundred cases. Kitasato believes that the virulence of the disease varies, and that when it reaches the high point attained in Japan during 1907–8 individuals who have been previously vaccinated, and even those who have previously had an attack, contract the disease. In this outbreak there were

242 cases in seven prefectures in which the patients had previously had the disease. Of these, 57 died.

If the nonvirulence of the disease in this country is due to protection by vaccination it would be expected that the mild cases would be found only in those so protected. This may be assumed from the limited information available not to be the case. Records of the vaccination history of all patients would undoubtedly add much to our knowledge of the subject.

That the type of the disease as seen in the United States is due to the protective value of vaccination is shown not to be true for certain localities in which outbreaks of the virulent form of the disease have been reported. These outbreaks have occurred at widely separated points, extending from Virginia and South Carolina in 1909 to Michigan, Oklahoma, Texas, and Oregon in 1910. The cases of the disease reported in New York City in 1910 also had a high percentage of deaths. These outbreaks showed a high virulence, the deaths being at the rate of from 16.13 at Cleveland, Ohio, to 54.05 in Oklahoma County, Okla., per hundred cases.

This comes from an official medical source. It shows two things: (1) That the doctors do not know whether vaccination prevents smallpox or not, and (2) that experience tends to prove that it does not. This was a hard blow to the vaccination doctors.

But, Mr. President, although this report was printed less than a year ago, a copy of it, containing this statement, can not be had to-day. I understand that it has been reprinted with this portion of it suppressed. I suppose Dr. Trask was duly reprimanded for telling the truth in his report. I venture the assertion that he was not a member of the American Medical Association or he never would have fallen into the error of discrediting a practice that brings so much money to the profession. With all the claims made for vaccination, with a large part of the doctors its use never could have been maintained without compulsory laws; and no such laws could ever be passed without the aid of the doctors, and that aid would not be given if it were not such an economic source of revenue to the doctors. The law that compels its use is one of the worst laws that good citizens who believe in liberty have cause to complain of.

Mr. John Pitcairn has this to say on the subject in the Ladies' Home Journal for May, 1910:

Vaccination is the putting of an impure thing into the blood—a virus or poison—often resulting in serious evil effects. In vogue for more than 100 years, it has been received by most persons without question. But the time is passing when people will accept a medical dogma on blind faith; they now demand to know something about the practices to which they are called on to submit; and most insistent of all should be the demand to know something of a practice which, like vaccination, involves the risk of disease and of possible death.

* * * * * * *

But I need hardly appeal to statistics, which might be gathered from every civilized country. Consult any mother having practical acquaintance with the results of vaccination, as observed by herself, and you will rarely fail to hear something of its serious and lasting ill-effects.

Surely these facts and figures are enough to show that vaccination involves serious risks, and to make it incumbent upon all, and especially on parents, to make some inquiry at least before they submit either themselves or their children to these risks.

But some one may ask, if all this is true, why does vaccination continue? It continues, very largely, because it is enforced by law. Take away legal compulsion and vaccination would not long survive. But it has been enforced almost from its birth and has thus come to be regarded as more or less a matter of course. In all modern history no other medical operation has ever been legally enforced. But vaccination needed enforcement. Without compulsion it could never have survived, for from the very day of its introduction it has been strenuously opposed both by laymen and by members of the medical profession.

Eminent physicians, it is true, have supported it, but equally eminent physicians, and also renowned bacteriologists and statisticians, have condemned it as productive of the gravest injuries.

With respect to the danger and uncertainty, generally, of these serum remedies the Journal of the American Medical Association of January, 1910, has this to say:

SERUM THERAPY IN A CONDITION OF CHAOS.

There is no class of remedial agents on which the physician should be better informed and none, unfortunately, concerning which it is so difficult to obtain a scientific and unbiased opinion. Only one of the drugs of this class—diphtheria antitoxin—is recognized by the present United States Pharmacopœia; and although some of the others (vaccine virus, for instance) have been in use for some time, all are the subject of such active investigation at the present time and so many new facts concerning them are being discovered that it is extremely difficult for a practitioner to keep abreast of these developments.

Scientific and disinterested information concerning them is widely scattered and often not easily accessible. The result has been that physicians have become dependent to an unusual degree on the circulars issued by manufacturing houses. Some of these circulars are almost models of scientific accuracy; others, unfortunately, are far from accurate and the directions given for the use of the products are not even safe.

And yet the National Government with all of its power is forcing their use upon its unwilling citizens.

[At this point Mr. WORKS yielded the floor for the day.]

Tuesday, April 30, 1912.

ENFORCED PHYSICAL EXAMINATION OF SCHOOL CHILDREN.

Mr. WORKS. Mr. President, the doctors composing boards of health are not content to leave it to the parents of school children to determine whether children shall be examined by doctors and nurses appointed by school boards to detect physical defects or not. They have, in some of the States, procured laws providing for enforced examinations, leaving no choice to the parents, and will do so in every State if they can. What I have said about the methods of the doctors will indicate what such a license would mean. Some of the doctors thus employed are honorable and conscientious men. Some of them, it may safely be said, are not. And most of them are inexperienced and some wholly incompetent. It has been said that what a doctor looks for in the way of disease he generally finds. In these school examinations they have found an astonishing number of physical defects that, in their estimation, call for surgical operations. And generally when this is necessary the doctor who discovers the fact gets the job. If he does not, some other doctor does. It adds immensely to the practice and revenues of the profession. It is a great temptation to make business and increase the practice that they say they have lost through "irregular practitioners."

This effort to get possession of the schools by the doctors, to the exclusion of the parents, has aroused very general indignation and protest. It is regarded as one more unwarranted effort of the doctors to usurp all power in the matter of health regulation and the treatment of disease. Compulsory examination is the forerunner of compulsory treatment. This statement of the conditions of things under such a law of compulsory examination in Boston is typical of all of them.

Children of the Boston schools, by a new regulation, are made to undergo a physical examination which will necessitate the removal of clothing. A storm of protests from many parents, as well as children, was aroused yesterday when the work of examination of 800 girls of

the Roxbury High School was nearly completed. Two girls strongly objected to the examination, but finally were persuaded to submit. There was another protest from the residents of West Roxbury when about 60 girls were subjected to the examinations at West Roxbury High School yesterday. One girl who objected was sent home to her parents and told to consult the family physician. How her case came out is not known. Although the statute requiring the examination has existed since 1906, the examination has not been rigidly enforced except in the primary schools, but this year it is to apply to all of the grades. It is over the high-school and normal-school girls between 14 and 18 years of age that objections are being made. The board of health and the school committee both support the regulation as necessary and essential in maintaining the health of the school children and as a preventive to disease. The heart, lungs, and spine may be examined, and feet when necessary.

Mr. President, I can not stop now to enter upon any extended argument on this question. It seems to me to be so obnoxiously subversive of every sense of personal liberty and such an encroachment on the rights of parents to have control of their children that it needs no discussion.

BILL IN VIOLATION OF RIGHTS OF THE STATES.

Mr. President, it is a conceded fact that within the States health regulations are within the power and jurisdiction of the State authorities, and it is an authority that is and should be jealously guarded. Ostensibly this bill purports to confine the activities of the Government in this respect to Federal territory and within Federal jurisdiction. If it does not, it would at once be declared unconstitutional. But one of the prime objects of the bill is to extend this power to every State in the Union, and, if it is passed, the powers granted by it will be used for that very purpose. That is the very thing the doctors are most desirous of bringing about. The bill is very ingeniously drawn to accomplish this result. It provides:

It shall be the duty of the bureau of health to collect and disseminate information relating to the public health and to enforce the observance of all regulations and laws of the United States relating to the public health.

This is as broad and comprehensive as language can well make it. It is attempted or pretended to be modified by a proviso to the effect that this shall not authorize the bureau of health to—

exercise, or attempt to exercise, without express invitation from the chief executive or other proper authority of the State, any function belonging exclusively to such State.

Under this clause any board of health of any State composed of the very doctors who are interested in extending the power of this health bureau to the farthest limit may extend this invitation. These two interested parties will not be long in extending the activities of this bureau into the States; and, unfortunately, if it were left wholly to the executive authority of the State he would, as a rule, leave it to the health authorities and the result would be the same. The author of the bill was not quite satisfied, however, with this convenient opportunity to invade the States. The director of health is authorized, in his discretion, to appoint an advisory board of not more than seven members, who may, of course, be doctors of the regular school in as many States "to confer with him * * * concerning the health of the people," who shall hold office for a term of seven years.

This makes a very close and satisfactory connection between State and Nation, and should be entirely satisfactory to the doctors.

But, Mr. President, the bill does not stop there. It gives the director of health power to request the health authorities of all the States to send delegates—

to confer with him or his duly appointed representatives and with each other at such time and place as he may designate concerning any particular matter or matters relating to the public health.

Not only so, but he is authorized by the provisions of the bill to call a health conference of all the States, and compelled to do so upon the petition of the health authorities of five States and Territories.

A more ingenious attempt to evade the Constitution and encroach upon the province of the States in one of their most vital and sacred rights has never been attempted. The obvious purpose is to make the head of this bureau the autocratic power that is to control the health activities of the whole country. All he needs is the assent and cooperation of the doctors at the head of the health boards of the several States, and as that is just what they all want and are striving to obtain by this bill, it may be regarded as done as soon as the bill becomes a law.

I commend these considerations to the careful attention of the Senate.

RESTRICTIVE LAWS IN VIOLATION OF THE CONSTITUTION.

Mr. President, I come now to the consideration of a purely legal question presented by the enactment and enforcement of the restrictive laws that I have endeavored to bring to the attention of the Senate, including the bill under consideration, which is a part of the scheme to deprive certain people of this country of the right to heal disease and ameliorate human suffering according to their conscientious convictions; in case of some of them, according to their religious views of right and duty.

In the consideration of this question I shall be forced to give attention particularly to the rights of Christian Scientists in this respect, because, whether rightly or wrongly, they believe it to be a sacred religious duty to heal the sick by spiritual means, as they understand the scriptural command to heal the sick, and the mode of healing pointed out by the Master in His teachings and example.

This being their attitude, founded upon sincere and earnest conviction, the question at once arises whether a law that denies or abridges their right to heal in their own way, or to receive such ministration as they feel to be the proper one, is not a violation of the express provisions of the Constitution of the United States designed to protect the people of the country in the observance of their religious rights. In the settlement of this momentous question we must consider the case of both the one who administers to the sick and the one who seeks and desires this mode of treatment. Is the practitioner of this mode of healing, in which he has supreme faith and confidence, to be denied the right to exercise his right to practice? Again, is the man who has equal trust and confidence in this remedy to be denied his right to resort to it for help? If so, why?

Only because some other people do not believe in it. This is the sole foundation for any and every effort that has been made to prevent or abridge such practice unless we take into account the selfish desire of those practicing other modes of healing to uphold themselves by the prohibition of this mode of healing.

Mr. President, this is the whole question. Not whether the Christian Scientist is a conscientious Christian man, honestly and trustfully depending upon Divine power for his healing, but whether some one else, who may represent, for the time being, the power of government in the enactment, construction, and enforcement of the laws, does not agree with him, but does believe with equal honesty and good faith that he is wrong in his beliefs and that the mode of healing upon which he relies is not effective, and that his pretensions are false and unfounded.

Why, Mr. President, this very conflict of views on a religious question, that might and really is being used as a ground for persecution as I have clearly shown, brings us within the very spirit and purpose of the Constitution. The great Catholic Church has its creeds and its religious convictions, with which other people of different religious views do not agree, and which some intolerant people would suppress by law if the Constitution and the courts did not stand for freedom of religious thought and observance. So it is with the powerful Protestant religious denominations.

But all of these Christian bodies believe in Divine healing. They pray to Almighty God for the healing of their sick, and believe in the efficacy of such prayer. And yet some people belonging to these religious bodies, I hope not many of them, deny to the Christian Scientist the right to heal by prayer, and denounce his pretensions to heal through the power of the same God that they serve and trust as both false and ungodly.

There is this difference between the prayer of other Christian people and Christian Scientists: Their prayer is an appeal to God for intervention in the particular case. They attempt to move God to heal the individual. The Christian Scientist believes that God is unchangeable and that He can not be moved by prayer to do or not to do a desired thing, but that He has already and for all time given man all good, which is always there for him when he conforms to His laws and does His bidding. Therefore the Christian Scientist prays not to change God or to induce Him to act, but to change man, regenerate him, and bring him into harmony with the Divine law that must restore harmony and right conditions in him, which means necessarily restoration to natural and harmonious conditions.

It is the belief of Christian Scientists that the purpose of prayer and all Christian effort is to regenerate man and bring him into reconciliation and harmony with the Divine Being, and that this effort of reconciliation and regeneration by prayer is the true, the only true, means of healing the sick.

Jesus of Nazareth was persecuted and finally crucified for preaching the gospel and practicing his religious belief, by healing the sick. To do the same to-day in the twentieth century in the great State of New York, if he were here, would make him a criminal, subject to fine and imprisonment by the laws of that State. Only a few days ago a Christian Scientist

was convicted and punished for healing the sick as he believed in the way and by the same power and principle that Jesus healed.

Now, Mr. President, who is to determine which of these different beliefs sincerely entertained is right and which is wrong. Who is authorized or who will be permitted under our Constitution to declare one of these beliefs and the exercise of it in the healing of the sick a crime?

This effort to enact and enforce such laws, I am glad to say, is not being made by the people of other church denominations or by persons entertaining different religious beliefs. I think I have shown that it comes from the doctors whose emoluments are derived from the effort to heal disease in their way, not for religious but for purely material and selfish reasons.

The Constitution of the United States provides, amendments to the Constitution, Article I:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

This, of course, is a prohibition against action by the Federal Government. Article XIV, section 1, provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

There can be no higher or more sacred privilege than that of exercising one's religion, and every citizen is entitled to protection from any law that would deny or abridge that right.

In Reynolds *v.* United States (98 U. S., 145, 162), the court said:

> Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as congressional interference is concerned.

But in that case the court distinguished between mere religious opinions and beliefs and overt acts made criminal by the laws of the land. The court, after referring to an early statute of Virginia on the subject, uses this further language:

> In the preamble of this act (12 Hening's Stat., 84) religious freedom is defined; and after a recital "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty," it is declared "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." In these two sentences is found the true distinction between what properly belongs to the church and what to the State.

The effect of the decision seems to be that religious belief can not be punished; but when, under the guise of exercising one's religion, an overt act "against peace and good order" is committed the overt act is punishable by the State.

This was a case where the defendant was prosecuted for polygamy, and he defended on the ground that polygamy was allowed and recognized by his church.

I shall show, I think, to the entire satisfaction of the Senate that the healing of the sick as an act of religious duty can not be regarded as an overt act "against peace and good order," or otherwise in violation of law or public policy. But, looking at it in the light of the fourteenth amendment to the Constitution, and treating it as a question of the abridgment of the

41917—10969

privileges of the citizen, the case of American School of Magnetic Healing *v.* McAnnulty is interesting and instructive. The case was one where the Postmaster General had excluded from the mails certain printed matter advertising the plaintiff as a magnetic healer. After pointing out that one means of healing was believed in by some and different means by others, and that no one could determine how far one was right and the other was wrong, the court said:

> Again, there are many persons who do not believe in the homeopathic school of medicine, and who think that such doctrine, if practiced precisely upon the lines set forth by its originator, is absolutely inefficacious in the treatment of diseases. Are homeopathic physicians subject to be proceeded against under these statutes and liable at the discretion of the Postmaster General, upon evidence satisfactory to him, to be found guilty of obtaining money under false pretenses and their letters stamped as fraudulent and the money contained therein as payment for their professional services sent back to the writers of the letters? And, turning the question around, can physicians of what is called the "old school" be thus proceeded against? Both of these different schools of medicine have their followers, and many who believe in the one will pronounce the other wholly devoid of merit. But there is no precise standard by which to measure the claims of either, for people do recover who are treated according to the one or the other school. And so it is said, Do people recover who are treated under this mental theory? By reason of it? That can not be averred as matter of fact. Many think they do Others are of the contrary opinion. Is the Postmaster General to decide the question under these statutes?

The laws under consideration, without exception, place it within the power of a board of health composed of medical practitioners, usually of one school of medicine, to determine who shall practice healing. The question of their right does not depend in the least upon their knowledge of medicine or medical practice, because they make no claim to any such knowledge. Manifestly a medical practitioner can not pass upon their fitness to heal in their way, because he is as ignorant of their way of healing as they are of his. Such laws, therefore, in practical effect, declare that no one but a medical practitioner shall be allowed to practice the art of healing. Whether the act says so or not, that is its effect, and known and intended to be so. It is a denial of the right to practice except in one way. All other modes of healing are prohibited, and the right of the citizen to resort to any other is denied. As a result, there can be no advance in knowledge in other modes of healing that is not a violation of law.

Mr. President, when a question like this confronts us the people of this country had better look to their liberties. Prof. James, from whose address I have already quoted, opposed one of such bills because it was "a movement in favor of ignorance." He says, with emphasis, that—

> The Commonwealth of Massachusetts is not a medical body, has no right to a medical opinion, and should not dare to take sides in medical controversies.

Truer words were never spoken, and they are just as true of the Federal Government as they are of the State of Massachusetts.

This should be enough to impel the lawmaking power to hold its hand. But if it does not, then the courts must determine whether such a law, affecting the rights of the citizen in a matter of the highest import, affecting the most sacred of his affairs, can be enacted and enforced under a Constitution like ours under the fundamental law of a Nation of freemen.

41917—10969— -5

The case of State *v.* Biggs (133 N. C.) is a most interesting and instructive one on this subject. The defendant was prosecuted under one of the acts that I have described making it a crime to practice medicine without a license and specifically defining the meaning of the words "practicing medicine." The opinion was delivered by Mr. Justice Clarke, of the supreme court of that State. I take the liberty of quoting portions of the opinion:

What is "the practice of medicine and surgery" is as well understood, and its limits, as the practice of dentistry. The courts have also held that of the many schools of "medicine and surgery" the legislature could not prescribe that any one was orthodox and the other heterodox, but that those professing the different systems—"allopathic," "homeopathic," "Thompsonian," and the like—should be examined upon a course such as is taught in the best colleges of that school of practice, but that it is not essential that a member of each or of any special school should be upon the board of examiners.

* * * * * * * * * Under the guise of "construction" of those well-understood terms the "practice of medicine and surgery" the act essays to provide that the expression "practice of medicine and surgery" shall be construed to mean the management "for fee or reward" of any case of disease, physical or mental, real or imaginary, with or without drugs, surgical operation, surgical or mechanical appliances, or by any other method whatsoever; that is, the practice of surgery and medicine shall mean practice without surgery or medicine if a fee is charged. If no fee is charged, then the words "surgery and medicine" drop back to their usual and ordinary meaning, as by long usage known and accustomed. Where, then, is the protection to the public if such treatment is valid when done without fee or reward? Yet unless the act confers and is intended solely to confer protection upon the public it is invalid. The legislature can not forbid one man to practice a calling or profession for the benefit or profit of another.

* * * * * * * * * Then it is forbidden to relieve a case of suffering, "physical or mental," in any method unless one is an M. D. It is not even admissible to "minister to a mind diseased" in any method or even dissipate an attack of the "blues" without that label duly certified. Is not this creating a monopoly, and the worst of monopolies, that diseases shall not be cured or alleviated, whether real or imaginary, mental or physical, though without medicine or surgery, "if for a fee," unless one has undergone an examination on "anatomy, physiology, surgery, pathology, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics, and the practice of medicine"?

* * * * * * * * * The public have a right to know that those holding themselves out as members of that ancient and honorable profession are competent and duly licensed as such. The legislature can exert its police power to that end, because it is a profession whose practice requires the highest skill and learning. But there are methods of treatment which do not require much skill and learning, if any. Patients have a right to use such methods if they wish, and the attempt to require an examination of the character above recited for the application of such treatment is not warranted by any legitimate exercise of the police power. * * *

The term "practice of medicine and surgery" embraces probably the larger, and certainly by far the most profitable, part of the "treatment of diseases," but is not coextensive with the latter term, and can not be made so unless "surgery and medicine" are adopted as the State system of treatment, a monopoly, and all other methods are made indictable. On the other hand, the State Medical Society would hardly wish to broaden out so as to take in all methods of treatment of disease, for this would be to take in practitioners and practices which they would not wish to recognize. All the law so far has done or can do is to require that those practicing on the sick with knife and drugs shall be examined and found competent by those "of like faith and order."

Dr. Oliver Wendell Holmes, in an address before the Medical Society in Massachusetts, said: "If the whole materia medica was sunk to the bottom of the sea it would be all the better for mankind and all the worse for the fishes." An eminent medical authority in

this State has said that out of 24 serious cases of disease 3 could not be cured by the best remedies, 3 others might be benefited, and the rest would get well anyway. Stronger statements could be cited from the most eminent medical authorities the world has known. Medicine is an experimental, not an exact, science. All the law can do is to regulate and safeguard the use of powerful and dangerous remedies, like the knife and drugs, but it can not forbid dispensing with them. When the Master, who was Himself called the Good Physician, was told that other than His followers were casting out devils and curing diseases, He said, "Forbid them not."

The case last referred to did not relate to the religious side of the question. The defendant made no claim that gave rise to any such question. But the courts of this country have jealously guarded the religious rights and opinions of the people as within the protection of the Constitution. The case, of the Church of the Holy Trinity *v.* United States (143 U. S., 457), while not involving a constitutional question, is an interesting one as showing the attitude of the highest court in the country in matters of religion.

The plaintiff in the case had, by contract, employed a foreigner as its minister or rector. The question was whether such a contract was in violation of the statute forbidding the "importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States." It was conceded that the case was within the letter of the statute, but it was held not to be within its spirit. The court, looking to the title of the act and the evils evidently intended to be met by it, decided that its object was to "stay the influx of cheap unskilled labor" into this country.

In commenting upon this situation Mr. Justice Brewer had this to say on the religious phase of the question:

> But beyond all these matters no purpose of action against religion can be imputed to any legislation, State or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour there is a single voice making this affirmation.

And, after referring to numerous historical instances showing the reliance of our people upon Divine guidance and support in dealing with grave problems and important events, the learned justice says further:

> Coming nearer to the present time, the Declaration of Independence recognizes the presence of the Divine in human affairs in these words: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." "We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these Colonies, solemnly publish and declare," etc. "And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."
>
> If we examine the constitutions of the various States we find in them a constant recognition of religious obligations. Every constitution of every one of the 44 States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community. This recognition may be in the preamble, such as is found in the constitution of Illinois, 1870: "We, the people of the State of Illinois, grateful to Almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations," etc.

41917—10969

He proceeds at length to quote from the constitutions of the various States, showing their intention to encourage free and unrestrained reliance upon religion in the affairs of men. Then he says:

> There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious Nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire people. While, because of a general recognition of this truth, the question has seldom been presented to the courts, yet we find that in Updegraph *v.* The Commonwealth (11 S. & R., 394, 400) it was decided that "Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; * * * not Christianity with an established church, and tithes, and spiritual courts, but Christianity with liberty of conscience to all men." And in The People *v.* Ruggles (8 Johns, 290, 294, 295) Chancellor Kent, the great commentator on American law, speaking as chief justice of the Supreme Court of New York, said: "The people of this State, in common with the people of this country, profess the general doctrines of Christianity as the rule of their faith and practice; and to scandalize the author of these doctrines is not only, in a religious point of view, extremely impious, but even in respect to the obligations due to society is a gross violation of decency and good order. * * * The free, equal, and undisturbed enjoyment of religious opinion, whatever it may be, and free and decent discussions on any religious subject is granted and secured; but to revile, with malicious and blasphemous contempt, the religion professed by almost the whole community is an abuse of that right. Nor are we bound by any expressions in the Constitution, as some have strangely supposed, either not to punish at all or to punish indiscriminately the like attacks upon the religion of Mahomet or of the Grand Lama, and for this plain reason, that the case assumes that we are a Christian people, and the morality of the country is deeply ingrafted upon Christianity and not upon the doctrines or worship of those impostors." And in the famous case of Vidal *v.* Girard's Executors (2 How., 127, 198) this court, while sustaining the will of Mr. Girard, with its provision for the creation of a college into which no minister should be permitted to enter, observed: "It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania."

Mr. Tiedeman, in his work, State and Federal Control of Persons and Property, says:

> The complete abrogation of all State interference in matters of religion is of slow growth and can only be attained with the growth of public opinion.

The one great trouble is that so many sects or churches believe that theirs is the only religion and that every claim of religious belief that conflicts with theirs is un-Christian and no religion at all. It is this spirit and the intolerance that springs from it that stands in the way of every change of religious belief or the establishment of any new or reform movement of a religious character. That is just what the Christian Scientists are combating to-day. While they agree with the orthodox churches in all the essentials of the Christian religion, they are denounced as an ungodly people because they go further than the old churches in attempting to obey the whole command: "Preach the gospel and heal the sick."

That they believe in all the essentials of the Christian religion is fully shown by the tenets of the church, as follows:

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.
2. We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.
3. We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.
4. We acknowledge Jesus's atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the

Way-shower; and we acknowledge that man is saved through Christ, through Truth, Life, and Love, as demonstrated by the Galilean Prophet in healing the sick and overcoming sin and death.

5. We acknowledge that the crucifixion of Jesus and His resurrection served to uplift faith, to understand eternal Life, even the allness of Soul, Spirit, and the nothingness of matter.

6. And we solemnly promise to watch and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just, and pure.

Believing, as they do, that the healing of disease is a Christian duty imposed upon them by the command of the Master, a law that forbids it or abridges their right and privilege to heal the sick is a plain violation of both of the constitutional inhibitions above mentioned.

Mr. Tiedeman says further on this subject:

SEC. 63. Police regulation of religion—constitutional restrictions: If there were no provisions in the American Constitution especially applicable to the matter of police regulation of religion, the considerations which would deny to the State the control and prevention of vice would also constitute insuperable objections to State interference in matters of religion. But the rivalry and contention of the religious sects not only demanded constitutional prohibition of the interference of the National Government, but gave rise to the incorporation of like prohibitions in the various State constitutions. The exact phraseology varies with each constitution, but the practical effect is believed in the main to be the same in all of them. These provisions not only prohibit all church establishments, but also guarantee to each individual the right to worship God in his own way, and to give free expression to his religious views. The prohibition of a religious establishment not only prevents the establishment of a distinctively State church, but likewise prohibits all preferential treatment of the sects in the bestowal of State patronage or aid. A law is unconstitutional which gives to one or more religious sects a privilege that is not enjoyed equally by all. "Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution, and if based on religious grounds a religious persecution. The extent of the discrimination is not material to the principle, it is enough that it creates an inequality of right or privilege."

And the reasons that brought about this constitutional inhibition against interference with religious belief and observance is thus clearly pointed out by the same author:

* * * Most of the immigrants to American colonies were refugees from religious oppression, driven to the wilds of America in order to worship the God of the universe according to the dictates of their conscience. The Puritans of New England, the Quakers of Pennsylvania, the English Catholics of Maryland, and the Huguenots of the Carolinas sought on this continent that religious liberty which was not to be found in Europe. I should not say "religious liberty," for that is not what they sought. They desired only to be freed from the restraint of an intolerant and imposing majority. They desired only to settle in a country where the adherents of their peculiar creed could control the affairs of state. Notwithstanding their sad experience in the Old World, when they settled in America they became as intolerant of dissenters from the faith of the majority as their enemies had been toward them.

Mr. President, I need not, in a body like this, consume time in discussing fundamental questions affecting the liberty and freedom of the individual and the necessary restraints imposed upon him because of his association with others, composing civil or governmental organizations. But the claim of right to restrain such liberties for the good of the community or the public has given rise to many problems and has unjustly deprived many of their liberties. The police power, so called, is sometimes necessary for the protection of the public, but it has quite as frequently been made the engine of oppression to the destruction, without just cause, of the most sacred rights of the individual

citizen. Generally the courts stand in the way of the unlawful use of this power, but the extent to which it has been enforced by the courts at times has been most alarming.

There is no case, perhaps, in which an unlawful and oppressive use of this great power has occurred to a greater extent than in the cases I am now considering. The doctors assume, and are able to make lawmakers believe, that the effort to heal disease in any way but theirs is against public policy and should, as a police regulation, be suppressed by law. That is the ground upon which all of the restrictive laws that I have been discussing are attempted to be sustained.

Unfortunately such laws are neither enacted nor construed by the courts from knowledge or upon evidence proving the inefficacy of the mode of healing sought to be prevented. More unfortunately still, in the minds of many the question resolves itself into a religious one that in the intolerant religious mind is controlled neither by reason nor justice. With such, if a thousand respectable and reliable people should testify to their healing through such means they would not be credited as against one competent medical practitioner who should say that disease could not be cured that way, or the word of one theologian who should insist that the attempt to heal in any such way is un-Christian and ungodly.

I hope the Senate of the United States will be actuated by a higher and broader sense of the rights and liberties of the citizen and judge the question by the rules of right, justice, and reason.

Judge Cooley, in his admirable work on Constitutional Limitations, thus defines the police power of a State:

> The police of a State, in a comprehensive sense, embraces its whole system of internal regulation, by which the State seeks not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizens with citizens those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, and to insure to each the uninterrupted enjoyment of his own so far as is reasonably consistent with a like enjoyment of rights by others.

Of course the exercise of this power usually arises in respect of the use of property. But it does present itself upon the question of religious liberty. In speaking of the constitutional inhibition against laws affecting religious beliefs and observance, Judge Cooley says further:

> Those things which are not lawful under any of the American constitutions may be stated thus:
> 1. Any law respecting an establishment of religion. The legislatures have not been left at liberty to effect a union of church and state, or to establish preferences by law in favor of any one religious persuasion or mode of worship. There is not complete religious liberty where any one sect is favored by the State and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution; and if based on religious grounds, a religious persecution. The extent of the discrimination is not material to the principle; it is enough that it creates an inequality of right or privilege. * * *
> 4. Restraints upon the free exercise of religion according to the dictates of the conscience. No external authority is to place itself between the finite being and the infinite when the former is seeking to render the homage that is due, and in a mode which commends itself to his conscience and judgment as being suitable for him to render, and acceptable to its object.

41017—10969

5. Restraints upon the expression of religious belief. An earnest believer usually regards it as his duty to propagate his opinions, and to bring others to his views. To deprive him of this right is to take from him the power to perform what he considers a most sacred obligation.

Mr. Freund, in his work on Police Power, in speaking under a subhead entitled "Restraint of religious activity in behalf of the public welfare," has this to say:

There are two kinds of legislation that would fall under this head—measures for the repression of practices deemed disorderly or dangerous and the regulation of religious societies, chiefly with reference to their property rights. This legislation will also be considered separately.

The essence and value of the constitutional guaranty lies in two points: First, that religious belief as such and its peaceful and orderly manifestation in worship and precept may not be treated as a menace to the peace and welfare of the community or as a possible cause of disorder; and, second, that whatever restraint is placed upon religious activity, through rules of property or otherwise, must be applied to all denominations alike in order to avoid the preference and discrimination which the constitutions forbid.

Mr. President, it will be found that the police power can not be invoked to restrain religious belief or action except where the acts committed in the name of religion are in some way a menace to the peace and welfare of the community or, as is said in Reynolds *v.* United States, already referred to, "against peace and good order."

In Ex parte Jentzsch (112 Cal., 468), the Supreme Court of California, in passing upon a law of that State closing barber shops on Sunday, has this to say:

Upon the question thus presented of the proper limits of the police power, much might be written, and much, indeed, will have to be written, ere just bounds are set to its exercise; but, in this case, neither time permits nor necessity demands the consideration. Still, it may be suggested, in passing, that our Government was not designed to be paternal in form. We are a self-governing people, and our just pride is that our laws are made by us as well as for us. Every individual citizen is to be allowed so much liberty as may exist without impairment of the equal rights of his fellows. Our institutions are founded upon the conviction that we are not only capable of self-government as a community but, what is the logical necessity, that we are capable to a great extent of individual self-government. If this conviction shall prove ill founded we have built our house upon sand. The spirit of a system such as ours is therefore at total variance with that which, more or less veiled, still shows in the paternalism of other nations. It may be injurious to health to eat bread before it is 24 hours old, yet it would strike us with surprise to see the legislature making a crime of the sale of fresh bread. We look with disfavor upon such legislation as we do upon the enactment of sumptuary laws. We do not even punish a man for his vices unless they be practiced openly, so as to lead to the spread of corruption or to breaches of the peace or to public scandal. In brief, we give to the individual the utmost possible amount of personal liberty, and, with that guaranteed him, he is treated as a person of responsible judgment, not as a child in his nonage, and is left free to work out his destiny as impulse, education, training, heredity, and environment direct him.

So, while the police power is one whose proper use makes most potently for good, in its undefined scope and inordinate exercise lurks no small danger to the Republic, for the difficulty which is experienced in defining its just limits and bounds affords a temptation to the legislature to encroach upon the rights of citizens with experimental laws, none the less dangerous because well meant.

There are cases in which the true distinction is clearly made between the proper exercise of religious duties, according to one's conscience, and the commission of unlawful acts under the guise of religious beliefs. It must be conceded that no one school should be allowed to commit a crime or any act against peace,

good order, or morals, and then justify himself under the claim that the act was in accordance with his religious beliefs.

This distinction is clearly drawn in Davis *v.* Beason (133 U. S., 333, 342), where the Supreme Court of the United States, through Mr. Justice Field, made this clear and convincing statement of the rule on the subject:

> The term "religion" has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to His will. It is often confounded with the cultus, or form of worship of a particular sect, but is distinguishable from the latter. The first amendment to the Constitution, in declaring that Congress shall make no law respecting the establishment of religion, or forbidding the free exercise thereof, was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his Maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets, or the modes of worship of any sect. The oppressive measures adopted and the cruelties and punishments inflicted by the Governments of Europe for many ages to compel parties to conform, in their religious beliefs and modes of worship, to the views of the most numerous sect and the folly of attempting in that way to control the mental operations of persons and enforce an outward conformity to a prescribed standard led to the adoption of the amendment in question.
>
> It was never intended or supposed that the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society. With man's relations to his Maker and the obligations he may think they impose, and the manner in which an expression shall be made by him of his belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity and the morals of its people, are not interfered with. However free the exercise of religion may be, it must be subordinate to the criminal laws of the country, passed with reference to actions regarded by general consent as properly the subjects of punitive legislation. There have been sects which denied as a part of their religious tenets that there should be any marriage tie, and advocated promiscuous intercourse of the sexes as prompted by the passions of its members. And history discloses the fact that the necessity of human sacrifices, on special occasions, has been a tenet of many sects. Should a sect of either of these kinds ever find its way into this country, swift punishment would follow the carrying into effect of its doctrines, and no heed would be given to the pretense that, as religious beliefs, their supporters could be protected in their exercise by the Constitution of the United States. Probably never before in the history of this country has it been seriously contended that the whole punitive power of the Government for acts, recognized by the general consent of the Christian world in modern times as proper matters for prohibitory legislation, must be suspended in order that the tenets of a religious sect encouraging crime may be carried out without hindrance.

In construing the restrictive laws of State legislatures the State courts have sometimes held that they should not be construed as prohibiting the practice of healing by other than medical practitioners, because the intention to legislate against the liberties of the citizen should not be assumed. In the case of Nelson *v.* State Board of Health (22 Ky., Law Rep., 438) the attempt was made to prevent an osteopath from practicing his profession in that State because he had not procured a license to practice from the board of health. The court held that the osteopath was not within the terms of the statute, because he was not practicing medicine, and said:

> If the act applied to appellant, he can in no case practice his system in this State, for, however well qualified he may be, he can not be examined for license as a physician, and he could not, without abandoning his practice as an osteopath, obtain a diploma from a medical

college. If the statute applies to him, it also applies to trained nurses and all others of that class who for compensation administer to the wants of the sick. The result of such a construction of the statute would be to compel everyone, whether willing or unwilling, to employ a registered physician to care for him when he is sick, or to trust himself entirely to gratuitous services, however much he might prefer skillful nursing to medical treatment. It is doubtful if the legislature has the right under the Constitution thus to restrict the free choice of the citizen in a matter concerning only himself and not the people at large. Taking the statute as a whole, we do not think that this was within the legislative intent, or that the act was designed to do more than regulate the practice of medicine by physicians and surgeons.

The case of State *v.* Mylod (20 R. I., 632) is to the same effect. In that case it was said:

It follows therefore that the acts complained of are excluded from the operation of said Cap. 165 unless the words "practice of medicine," taken in their ordinary or popular meaning, includes them, or unless it appears from said chapter that the legislative intent was to give to said words a meaning broader and more inclusive than the popular one.

Medicine, in the popular sense, is a remedial substance. The practice of medicine, as ordinarily or popularly understood, has relation to the art of preventing, curing, or alleviating disease or pain. It rests largely in the sciences of anatomy, physiology, and hygiene; it requires a knowledge of disease, its origin, its anatomical and physiological features, and its causative relations; and, further, it requires a knowledge of drugs, their preparation and action. Popularly it consists in the discovery of the cause and nature of disease and the administration of remedies or the prescribing of treatment therefor.

Prayer for those suffering from disease, or words of encouragement or the teaching that disease will disappear and physical perfection be attained as a result of prayer or that humanity will be brought into harmony with God by right thinking and a fixed determination to look on the bright side of life, does not constitute the practice of medicine in the popular sense.

* * * * * * *

* * * While it true that the study and treatment of mental disease constitute one of the departments or branches of medicine in which the influence of the mind over the body is recognized, yet mere words of encouragement, prayer for divine assistance, or the teaching of Christian Science as testified, in the opinion of the court, does not constitute the practice of medicine in either of its branches in the statutory or popular sense.

To give to the words "practice of medicine" the construction claimed for them by the State, in the opinion of the court, would lead to unintended results. The testimony shows that Christian Scientists are a recognized sect or school. They hold common beliefs, accept the same teachings, recognize as true the same theories and principles. If the practice of Christian Science is the practice of medicine, Christian Science is a school or system of medicine, and is entitled to recognition by the State board of health to the same extent as other schools or systems of medicine. Under said Cap. 165 it can not be discriminated against, and its members are entitled to certificates to practice medicine provided they possess the statutory qualifications. The statute, in conferring upon the State board of health authority to pass upon the qualification of applicants for such certificates, does not confer upon said board arbitrary power. The board can not determine which school or system of medicine in its theories and the practices is right; it can only determine whether the applicant possesses the statutory qualification to practice in accordance with the recognized theories of a particular school or system.

It would be absurd to hold that under said Cap. 165, which provides against discrimination, the requirements necessary to entitle an applicant to a certificate were such that the members of a particular school or system could not comply with them, thus adopting a construction which would operate not as a discrimination only, but as a prohibition. On the other hand, to hold that a person who does not know or pretend to know anything about disease, or about the method of ascertaining the presence or the nature of disease, or about the nature, preparation, or use of drugs or remedies, and who never administers them, may obtain a certificate to practice medicine, is to hold that the operation of the statute is to defeat the beneficial purposes for which it was enacted.

41917—10969

The case of State *v.* McKnight (131 N. C.) was another action affecting the right of an osteopathic practitioner to practice without a license. The court in that case used this language:

> The State has not restricted the cure of the body to the practice of medicine and surgery—"allopathy," as it is termed—nor required that before anyone can be treated for any bodily ill the physician must have acquired a competent knowledge of allopathy and be licensed by those skilled therein. To do that would be to limit progress by establishing allopathy as the State system of healing and forbidding all others. This would be as foreign to our system as a State church for the cure of souls. All the State has done has been to enact that when one wishes to practice "medicine or surgery" he must, as a protection to the public—not to the doctors—be examined and licensed by those skilled in "surgery and medicine." To restrict all healing to that one kind—to allopathy—excluding homeopathy, osteopathy, and all other treatments, might be a protection to doctors in "surgery and medicine," but that is not the object of the act, and might make it unconstitutional, because creating a monopoly.
>
> The State can only regulate for the protection of the public. There is also "divine science" (which some one has said is neither divine nor a science), and there may be other methods still. Whether these shall be licensed and regulated is a matter for the lawmaking power to determine before any question in that respect can come before the court. Certainly a statute requiring examination and license "before beginning the practice of medicine or surgery" neither regulates nor forbids any mode of treatment which absolutely excludes medicines and surgery from its pathology.

Mr. President, this confirms what I have already said—that where the statute provides in terms for the regulation of the practice of medicine and surgery schools of practitioners who do not resort to the use of drugs or the knife are not affected and therefore not interested in its enforcement. But the trouble is that in many of these laws the definition of "practicing medicine" includes all kinds of healing or treatment, thus avoiding the effect of the decided cases on the subject. So in such cases the question becomes one of the constitutionality of the law. No one should question the constitutional right of the States to regulate the "practice of medicine and surgery." Certainly I do not. Anyone who practices the use of drugs or the knife should establish his competency in that respect. The legislature of a State would undoubtedly have the right, also, to regulate the practice of Christian Science by providing for the establishment of a board of examiners to determine their fitness and competency to practice that mode of healing. But the board should, of course, have knowledge of the qualifications necessary for such practice.

Christian Scientists would welcome such a law, as they desire that only persons competent and conscientious should practice their mode of healing. What they and different schools of medicine object to is that they shall be examined as to their competency to practice a means of healing in which they do not believe and in which they do not claim to be efficient or competent. The result of such a law is to compel an examination as to their competency to practice a system of healing, not with any view of determining their fitness to practice what they make claim to practice.

That means simple prohibition just as effectually as if the statute provided in terms that a Christian Scientist shall not practice healing or the amelioration of suffering. This distinction was recognized in the State *v.* Wilcox (64 Kans., 789),

in which the court, having held that the State had the power to regulate the practice of medicine, said further:

> The act is not invalid because it provides that "Nothing in this act shall be construed as interfering with any religious beliefs in the treatment of diseases, providing that quarantine regulations relating to contagious diseases are not infringed upon." (Sec. 6, Gen. Stat., 1901, par. 6674.) The express exclusion of the element of religious belief in the application of the law was hardly necessary. Religious freedom is guaranteed by the Constitution, and without mention in the statute would have been implied, and we can see nothing in this provision which makes an illegal discrimination against or in favor of any class of physicians.

This language is significant. It expressly recognizes the fact that religious freedom exercised in the way of healing can not be abridged under the Constitution.

Mr. President, the question of both the constitutionality and justice of some of the bills enacted by State legislation intended to restrict or prohibit the practice of healing by Christian Scientists have been commented upon by the governors of some of the States in veto messages. Thus Gov. Mickey, of Nebraska, has this to say in one of his veto messages:

> The constitution of the State of Nebraska declares that "all persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences," and further adds, "nor shall any interference with the rights of conscience be permitted." In the Christian Science religion the idea of worship and of divine healing are so intermingled that it is impossible to draw the line of demarcation. and hence interference with the one or the other is an interference with "the rights of conscience" and thus becomes an infringement of the constitutional guaranty of religious freedom.

And Gov. Peabody, of Colorado, used this language in a message vetoing such a bill:

> Guided by the late experience of similar legislation in other States, the conclusion is irresistible that all such legislation has a tendency to restrict the citizen in the employment of whomsoever he pleases in the treatment of his diseases, and it also has a tendency to build up, under the protection of the State, a trust or combination of certain schools of medicine to the exclusion of all others equally meritorious.

Gov. Thomas, of the same State, in a like case, used this clear and emphatic language:

> The department of surgery excepted, medicine is not a science. It is a series of experiments, more or less successful, and will become a science when the laws of health and disease are fully ascertained and understood. This can be done, not by arresting the progress of experiment and binding men down to hard and fast rules of treatment, but by giving free rein to the man who departs from the beaten highway and discovers hidden methods and remedies by the wayside. * * *
>
> The true intent and purpose of the bill is to restrict the profession of medicine to the three schools therein mentioned, and then limit the number of practitioners to suit the judgment of the composite board. People desiring medical or surgical service may employ its licentiates or die without the consolation of the healer. This is but to say that a medical trust is to be established which shall regulate demand and supply by absolute control of the product which forms its basis, the general assembly furnishing the appliances whereby the trust shall become effectual.
>
> The integrity and usefulness of every profession must be guaranteed to society, which may establish standards for the members thereof and for the observance of which its sanction should be given. Beyond this, each profession takes care of itself, and legislative interference is tyranny, open or disguised. * * *
>
> The fundamental vice of the bill is that it denies absolutely to the individual the right to select his own physician. This is a right of conscience, and as sacred as that which enables the citizen to worship God as he may desire. It is, indeed, the same right manifesting itself in a parallel direction. It is a part of the law of this land, and no

civil power is strong enough to deprive the citizen of its exercise. He may, indeed, select a healer of doubtful reputation or conceded incompetence, but that is his affair just as much as is his choice of a minister or attorney. His action may prove injurious, possibly fatal, to himself or to some members of his family. It is better so than to delegate to any tribunal the power to say "thou shalt not employ this man" or "thou shalt employ this one." That this bill produces such a result indirectly makes it the more objectionable. It is not the outspoken and aggressive assault upon individual liberty that men should fear, but the indirect or resultant blow that is masked and falls unexpectedly.

The bill, like all kindred forms of paternalism, assumes that the citizen can not take care of himself. The State must lead him as a little child, lest he fall into trouble unawares. He must be guarded and chided, limited here and licensed there, for his own protection. Such a system, born of the union of church and state, crumbles into ashes in the crucible of experience. It can not flourish, though disguised in the garments of an alleged public necessity. The privilege of choosing one's own physician is a positive essential to the public health. Yet this bill assumes to thrust the coarse machinery of the criminal law into one of the most sacred relations of human life, to drag the chosen physician, if unlicensed, from the sick couch to the prison cell, and to substitute for him some one who, however exalted and honorable, may not command the confidence or secure the sympathy of his patient.

These comments are not extreme, for it must be remembered that those who believe in and patronize the various arts of healing that are ostracized by this bill form a very large part of every community, nor are they confined to the ignorant and superstitious portions of society. They number in their ranks thousands of the most refined, intelligent, and conscientious people. They recognize in many modern forms of relief to the suffering a religious or spiritual element that appeals to their best and tenderest sympathies. The benefits they claim and the cures they narrate are not imaginary. Shall the Government enact by statute that these people shall not longer enjoy their benefits or put them into daily practice? Shall it officially declare these people to be criminally wrong and the three schools legally right? By what authority does it so declare?

A distinguished physician of Massachusetts has recently declared with force that "the Commonwealth has no right to a medical opinion and should not dare to take sides in a medical controversy." It would be as consistent to take sides in a theological or philosophical discussion. The one would be condemned by all men; the other is equally foreign to the province of government. It may regulate but can not prohibit the calling of the citizens; it may prevent the commission of wrongs but can not deprive the individual of the right to choose his own advisers.

Mr. President, I am about to conclude what I have to say. I have taken up too much of the time of the Senate. But I could not remain silent when the liberties of the people and the constitutional rights of the States are threatened. There has been no legislation more dangerous or pernicious than the entire system of laws, State and National, that are being forced upon the people of this country by the political doctors, who are considering only their own selfish interests without regard to the public welfare. I have considered not only the bill now before the Senate but legislation in the States, because they are a part of one general effort to procure legislation that will establish forever one school of medicine to the exclusion of all others.

If this effort is successful it will create the worst, the most intolerant, and the most dangerous monopoly and trust the country has ever known. It will be the more intolerant and offensive, as well as more powerful, because it is a trust created by law and supported by all the powers of the Government. The author of the bill has graciously consented to amend it so as to provide that there shall be no discrimination in favor of or against any school of medicine. He could very well do this. It is a perfectly harmless and useless provision and will protect no one. Does anyone suppose that this bureau, made inde-

pendent by this bill, with an allopathic doctor at its head, and without doubt a member of the American Medical Association, will give any consideration to any mode of healing that does not use drugs, or not discriminate against them, and in favor of the regular school of medicine? Can anyone think so when we look back over the past few years and see how these very same doctors of the regular school have been using every possible means to procure such laws as will not only discriminate against but actually exterminate them? Now, it is proposed to take the medical bureaus and others in any way connected with the preservation of the public health out of the departments and bring them under one control, independent and autocratic. What may be expected to happen? Why, with this unlimited power in his hands, with the right to make rules and regulations for the government of his department, he will do, by his rules and regulations, just what he and his fellow doctors have for years been trying to get the States to do by law, declare the practice of Christian Science and other modes of healing that they have condemned as a menace to the public health and suppress such practice. You say he is not allowed to discriminate or to interfere with the practice of medicine!

Why, Mr. President, if he is honest, and has been honest in promoting restrictive and prohibitive legislation in the States against such practices, he will say: "I must protect the public health. That is the prime duty imposed upon me by this law. To do it I must destroy the tendency to put away drugs and resort to quacks and charlatans. They are not entitled to protection. I will do my duty and suppress them in every way possible." If anyone supposes that ways will not be found to accomplish this result, with a doctor in control and at the head of a bureau that is independent of control by any higher power, he does not appreciate the capacity of the regular school of medicine to maintain itself by the destruction of other means of healing.

Mr. President, as I have said, this whole movement is by and in the interest of doctors of the regular school. No one else is demanding this law. They have manipulated political conventions and procured a plank in the platform of both of the great political parties, declaring in favor of establishing a department of health, with its head a member of the Cabinet. They have besieged the White House and pleaded for assistance from the President. They have infested the Halls of Congress for years past in the effort to secure the passage of laws that would place them in power and give them absolute control of the medical activities of the Government. In pressing forward this bold scheme they have tried to deceive the public, and have largely succeeded, by claiming that such legislation is in the public interest. They insist that their mode of healing is the only safe or reliable one, and that to resort to any other is to endanger the public health.

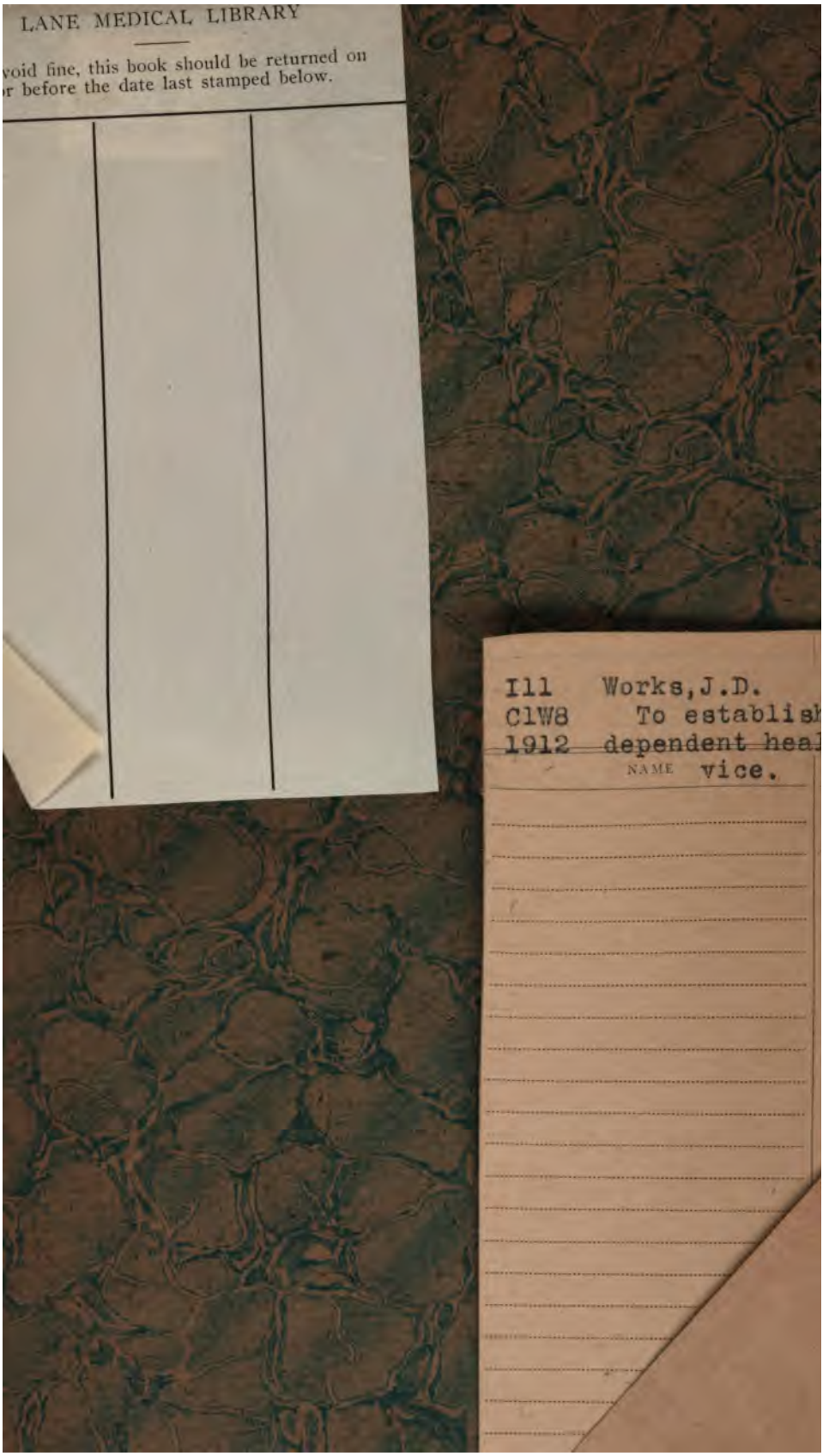
Their efforts have of late been directed chiefly against Christian Scientists and their mode of practice. They insist that the practice of their mode of healing is a fraud on the people and a menace to the public health. Why, Mr. President, I could by a mere call fill this Capitol Building with conscientious and reliable men and women, people of high character and unques-

tioned sincerity, who would bear witness to their healing by this means and their faith in its efficacy. Thousands of these, many of them within my own personal knowledge, have been healed of what the doctors call incurable diseases, and many of them after the doctors had given up their cases as hopeless.

Naturally these people protest against any law that will deprive them, or anyone else, of the right to resort to this remedy for their relief. In the name of these people, in the name of those believing in other modes of healing, in the name of a liberty-loving people, I protest against any law or regulation that will deny them the right or abridge their liberty to give or accept relief of their choice, or their religious rights.

41917—10969

○


LANE MEDICAL LIBRARY

void fine, this book should be returned on
r before the date last stamped below.

Ill Works, J.D.
ClW8 To establish
1912 dependent heal
NAME vice.